

13 NOVEMBER 1947

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of
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I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
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of
EXHIBITS
(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
2805	3452		Excerpt from the Book entitled "The Winning of the War in Europe and the Pacific" - General Marshall's Re- port (p.74)		33077
2806	3453		Excerpt from the Book entitled "The Winning of the War in Europe and the Pacific" - General Marshall's Re- port (p.75 and 78)		33077
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1 Thursday, 13 November 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with
14 the exception of: HONORABLE JUSTICE SIR WILLIAM F.
15 WEBB, Member from the Commonwealth of Australia and
16 HONORABLE JUSTICE R. B. PAL, Member from India, not
17 sitting from 0930 to 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -

21 (English to Japanese and Japanese
22 to English interpretation was made by the
23 Language Section, IMTFE.)
24
25

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 ACTING PRESIDENT: All the accused are present
4 except MATSUI, who is represented by counsel. We have
5 a certificate from the prison surgeon at Sugamo certi-
6 fying that he is ill and unable to attend the trial
7 today. The certificate will be recorded and filed.

8 Mr. Lopez.

9 MR. LOPEZ: May it please the Tribunal.

10 - - -

11 K U M A I C H I Y A M A M O T O, called as a
12 witness on behalf of the defense, resumed the
13 stand and testified through Japanese inter-
14 preters as follows:

15 CROSS-EXAMINATION

16 BY MR. LOPEZ (Continued):

17 Q Mr. YAMAMOTO, under the plan submitted to you
18 by MUTO around the middle of November 1941, even if
19 the Dutch would come across with 4,000,000 tons of
20 oil, even if the Americans would come across with
21 6,000,000 tons of oil, if Great Britain would stop
22 aiding Chiang Kai-shek, just the same under that plan
23 Japan would commence and open hostilities against
24 both Great Britain and the United States, isn't that
25 true?

1 MR. COLE: Your Honor, I object to that
2 question as calling for a speculative answer; further,
3 the prosecution does not contend that the plan itself
4 showed what would happen if those demands were not
5 granted.

6 MR. LOPEZ: No comment; we leave it entirely
7 to the Court.

8 ACTING PRESIDENT: Objection overruled.

9 Q Please answer.

10 A I shall reply to your question based on what
11 I have been thinking since yesterday on your questions
12 directed to me on this matter.

13 I recall that in the plan submitted to me by
14 General MUTO fairly strong language was used in regard
15 to what would happen if, after the successful conclu-
16 sion of the negotiations, the provisions of the final
17 agreement were not carried out by the United States.

18 Q Please answer my former question.

19 A Furthermore, I recall that in the plan
20 language was used to the effect that if aid -- if
21 activities aiding the Chiang regime were not brought
22 to a definite stop hostilities would be commenced.

23 Q In other words, your answer is an affirmative
24 one to the first question I addressed to you?

25 A On the whole that was the purport of the plan.

1 MR. LOPEZ: May the witness be shown IPS
2 document 3167?

3 Q This bears a penciled note there, "18 November
4 1941. From MUTO, Chief of Military Affairs Bureau,"
5 then with the signature "YAMAMOTO." That is your
6 handwriting, is it not?

7 A This penciled note is written in my own
8 handwriting.

9 Q And when you stated "From MUTO, Chief of
10 Military Affairs Bureau," you had reference to the
11 defendant in the dock, Akira MUTO?

12 A Yes.

13 Q And you scribbled this note at the time you
14 received this document, IPS 3167, from him on 18
15 November 1941?

16 A Yes, as you say.

17 Q And this red seal that appears on the front
18 cover of that document is a state secret seal, isn't
19 it?

20 A Yes.

21 Q It is the highest and the most secret seal
22 of the Japanese Government?

23 A Yes, as you say.

24 MR. LOPEZ: If the Tribunal please, we offer
25 in evidence IPS document 3167.

1 ACTING PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution document 3167
3 will receive exhibit No. 3445.

4 (Whereupon, the document above
5 referred to was marked prosecution exhibit
6 No. 3445 and received in evidence.)

7 MR. LOPEZ: We read the whole text of the
8 document, Mr. President:

9 "Page 1. State Secret. No. 19 of 30 copies.

10 "Plan Regarding Future Steps in Negotiations
11 between Japan and the United States.

12 "/Pencil Note/ 18 November 1941. From MUTO,
13 Chief of Military Affairs Bureau. YAMAMOTO.

14 "Page 2. Necessary Steps in case a Treaty
15 is Concluded on the A Draft.

16 "1. To have the U.S.A. admit that 'The
17 Government of the United States shall not take any
18 such measures or actions as will obstruct the
19 Japanese Government's steps and efforts regarding a
20 solution of the China Incident' at the end of the
21 first item of Article 111 (Measures for establishment
22 of peace between Japan and China) of our Draft of the
23 25th of September means 'to avoid and abstain from any
24 kind of action helping Chiang' as specified at the end
25 of the instructions given to Ambassador NOMURA on

1 September 13.

2 "2. To have the U.S.A. admit the following,
3 as its understanding of Article IV (Trade between
4 Japan and U.S.A.) of our Draft of September 25:

5 "Both governments, within 3 days of their
6 agreement to this understanding, shall reciprocally
7 abolish their property freezing measures; and the
8 Government of the United States shall supply Japan
9 with six million tons of mineral oil a year (which
10 includes one million and a half tons of aviation
11 gasoline), equal amounts being supplied each month.

12 "3. With regard to Article V (Economic
13 Problems in the Pacific) of our Draft of September 25:

14 "(a) The first item shall be revised as
15 follows:

16 "Both governments hereby reciprocally pledge
17 themselves that the economic activities of Japan and
18 U.S.A. in the Pacific Area shall be carried on by
19 peaceful means, and that in case the principle of non-
20 discrimination in international trade is applied to
21 the whole world, it shall also be applied to all areas
22 of the Pacific including China.

23 "(Note) If U.S.A. avoids the condition, 'in
24 case the principle of nondiscrimination is applied to
25 the whole world,' then the original Draft of September

1 25 shall be revived.

2 "(b) To have the U.S.A. admit the following
3 as its understanding of the second and third items:

4 "The Government of the United States shall
5 take steps to make the Netherlands Indies accept,
6 within three days of the agreement to this understand-
7 ing, the demands of the Japanese Government presented
8 through Ambassador YOSHIZAWA to the Netherlands
9 Indies on the trade, traffic and communication,
10 between Japan and the Netherlands Indies, and the
11 freedom of enterprise, entry, residence and business
12 of Japanese subjects in the Netherlands Indies.

13 "But Japan shall, for the time being, be
14 supplied with the yearly amount of four million tons
15 of mineral oil, equal amounts being supplied each
16 month.

17 "4. To have the U.S.A. admit the following;
18 before the conclusion of the A Draft:

19 "The Government of the United States shall
20 take measures to have the British Government, within
21 three days of the conclusion of /TN: an agreement on/
22 the A Draft, restore the Anglo-Japanese trade relations
23 and at the same time avoid and refrain from any kind
24 of action helping Chiang, such as closing the Burma
25 Road, etc.

1 "5. In case the avoidance of and the
2 abstinence from actions helping Chiang, the lifting
3 of the property freezing measures on the part of
4 U.S.A. and Great Britain, and the measures to restore
5 trade with Japan on the part of the Netherlands
6 Indies are not actually carried out after one week
7 has passed since the conclusion of /TN: an agreement
8 on/ the A Draft, the Japanese Empire shall open
9 hostilities against U.S.A., Great Britain, and the
10 Netherlands, and in case the Netherlands Indies does
11 not follow the lead of U.S.A. and Great Britain when
12 they take the appropriate steps, Japan shall send
13 the necessary units to the Netherlands Indies for
14 the sake of security.

15 "For this reason, Japan shall unilaterally
16 make the necessary manifestation of her intentions to
17 U.S.A. when the A Draft is signed.

18 "Necessary Steps in case a Treaty is
19 Concluded on the B Draft.

20 "1. To have the U.S.A. consent to the
21 following as her understanding of the second item:
22

23 "The Government of the United States shall
24 take measures to have the Netherlands Indies accept,
25 within three days of the agreement to this understand-
ing, the demands of the Japanese Government presented

1 through Ambassador YOSHIKAWA to the Netherlands Indies
2 on the trade, traffic and communication between Japan
3 and the Netherlands Indies and the freedom of enter-
4 prise, entry, residence and business of Japanese
5 subjects in the Netherlands Indies.

6 "But Japan shall, for the time being, be
7 supplied with the yearly amount of four million tons
8 of mineral oil, equal amounts being supplied each
9 month.

10 "2. To have the U.S.A. admit the following
11 as its understanding of the third item:

12 "Both Governments, within three days of the
13 agreement to this understanding, shall reciprocally
14 abolish their property freezing measures; and the
15 Government of the United States shall supply Japan
16 with six million tons of mineral oil a year (which
17 includes one million and a half tons of aviation
18 gasoline), equal amounts being supplied each month.

19 "3. To have the U.S.A. admit the following
20 as its understanding of the fourth item:

21 "The meaning of the fourth item is that the
22 Government of the United States shall avoid and ab-
23 stain from any kind of action helping Chiang and both
24 Governments promise to declare this point to the world
25 when they sign the B Draft.

1 through Ambassador YOSHIZAWA to the Netherlands Indies
2 on the trade, traffic and communication between Japan
3 and the Netherlands Indies and the freedom of enter-
4 prise, entry, residence and business of Japanese
5 subjects in the Netherlands Indies.

6 "But Japan shall, for the time being, be
7 supplied with the yearly amount of four million tons
8 of mineral oil, equal amounts being supplied each
9 month.

10 "2. To have the U.S.A. admit the following
11 as its understanding of the third item:

12 "Both Governments, within three days of the
13 agreement to this understanding, shall reciprocally
14 abolish their property freezing measures; and the
15 Government of the United States shall supply Japan
16 with six million tons of mineral oil a year (which
17 includes one million and a half tons of aviation
18 gasoline), equal amounts being supplied each month.

19 "3. To have the U.S.A. admit the following
20 as its understanding of the fourth item:

21 "The meaning of the fourth item is that the
22 Government of the United States shall avoid and ab-
23 stain from any kind of action helping Chiang and both
24 Governments promise to declare this point to the world
25 when they sign the B Draft.

1 "4. To have the U.S.A. admit the following
2 before the conclusion of the B Draft:

3 "The Government of the United States shall
4 take measures to make the British Government, within
5 three days of the conclusion of /TN: an agreement on/
6 the B Draft, restore the Anglo-Japanese trade relations
7 and at the same time avoid and refrain from action
8 helping Chiang.

9 "5. In case the avoidance of and the
10 abstinence from actions helping Chiang, the abolition
11 of the property freezing measures on the part of the
12 U.S.A. and Great Britain, and the measures to recover
13 the trade with Japan on the part of the Netherlands
14 Indies are not actually carried out after one week
15 has passed since the conclusion of /TN: an agreement
16 on/ the B Draft, the Japanese Empire shall open
17 hostilities against U.S.A., Great Britain and the
18 Netherlands and in case the Netherlands Indies does
19 not follow the lead of U.S.A. and Great Britain when
20 they take the appropriate steps, Japan shall send the
21 necessary units to the Netherlands Indies for the
22 sake of security.

23 "For this reason Japan shall unilaterally
24 make the necessary manifestation of her intentions to
25 U.S.A. when the B Draft is signed."

1 With the reading of the document we close
2 our cross-examination.

3 ACTING PRESIDENT: Mr. Cole.

4 MR. COLE: Sir, I propose some brief re-
5 direct examination.

6 REDIRECT EXAMINATION

7 BY MR. COLE:

8 Q Mr. YAMAMOTO, in yesterday's cross-examination
9 by Mr. Lopez at least on four occasions he referred to
10 the plan regarding the 6,000,000 tons of oil as MUTO's
11 plan. I ask you whether or not this proposal which
12 you received from General MUTO was General MUTO's
13 plan or proposal?

14 A When General MUTO gave me this plan, he
15 added the following words: This plan was presented
16 to me by the General Staff in very strong terms. I
17 myself have not yet recognized it as a plan represent-
18 ing the army as a whole but because the General Staff
19 insisted so strongly that this plan be presented, I
20 am handing it to you for your reference.

21 Q Did you have any further discussion with
22 General MUTO regarding that proposal?

23 A When I received this plan I glanced through
24 it once and then immediately told General MUTO that
25 no one could accept such a foolish plan and refused

to accept it; but since General MUTO again asked me
to accept it merely as reference material I did
1 finally accept it.

2 I recall that later General MUTO told me a
3 story in private. This was concerning General MUTO's
4 extraordinary efforts in trying to see the successful
5 consummation of our plans "A" and "B". Foreign Minister
6 TOGO staked his position, ministerial position, on the
7 success of plan "A" and "B" and worked untiringly for
8 its success. Since the contents of that plan included
9 the withdrawal of our troops from Southern French Indo-
10 China the General Staff vigorously opposed it. There-
11 upon General MUTO employed all his powers of persuasion
12 on the General Staff and finally got them to accept
13 Foreign Minister TOGO's plan; and then the General
14 Staff after accepting this, Foreign Minister TOGO's
15 plan, with great reluctance, immediately presented its
16 own plan through General MUTO as if returning tit for
17 tat. General MUTO told me that he was very much dis-
18 mayed at this attitude of the General Staff.

19 This plan submitted by the General Staff is
20 the plan which the prosecution just presented a while
21 ago.
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1 Q Was this proposal for a demand of six
2 million tons of oil ever carried out?

3 A The circumstances surrounding the acceptance
4 of the plan being as I have testified, this plan was
5 not even discussed at the Liaison Conference. As for
6 the proposal regarding the import of six million tons
7 of oil we completely disregarded this, and after due
8 negotiations with the authorities concerned we de-
9 cided that four million tons would be a fair figure,
10 and sent instructions to Admiral NOMURA to that
11 effect.

12 Q Then the demand for six million tons was
13 never sent to America, is that correct?

14 A Never.

15 Q Mr. YAMAMOTO, you said that after a discus-
16 sion between the officials involved a new plan was
17 made. Who were those officials?

18 A My recollection is that it was the officials
19 of the War Ministry, the Navy Ministry and the Planning
20 Board.

21 Q Do you know anything more -- any more details
22 as to how the figure of four million tons was ar-
23 rived at?

24 A My recollection is that this figure of four
25 million tons was the average of normal imports of

oil from America over a span of several years.

1 Q Referring now to the exhibit just presented
2 by the prosecution, No. 3445, it states that upon
3 the failure of certain -- of meeting certain condi-
4 tions, hostilities would be commenced. Do you know
5 whether General MUTO personally was the author of
6 that plan?
7

8 A In your question just now I understood you
9 to ask whether or not the plan specified that if
10 certain conditions were not met hostilities would be
11 commenced. My understanding of the plan was that if
12 after the conclusion of negotiations the provisions
13 of the agreement reached were not carried out, then
14 hostilities would be commenced. As for General MUTO,
15 he made it perfectly clear to me at the time that he
16 felt himself that the plan was outrageous, that it
17 was not even worth taking up, that it was not the
18 result of his own ideas, and that he had not drafted
19 it.

20 Q As a matter of fact, Mr. YAMAMOTO, in these
21 matters which have been discussed this morning, Gen-
22 eral MUTO was doing those things which the post of
23 Chief of the Military Affairs Bureau required, is
24 that correct?

25 MR. LOPEZ: Objection, as being leading and

1 asking for the conclusion of the witness.

2 MR. COLE: I agree, sir. I will reframe it.

3 Q Mr. YAMAMOTO, what official had the job in
4 the Japanese Government as acting as liaison man be-
5 tween the Foreign Office and the Imperial General
6 Headquarters or General Staff?

7 A The official who was charged with liaison
8 between the Foreign Ministry and the Army, or in
9 matters pertaining to the Liaison Conference was
10 myself as far as the Foreign Ministry was concerned,
11 Foreign Affairs Ministry was concerned. As for the
12 Army, the Chief of the Military Affairs Bureau, by
13 virtue of his position, was the liaison man for all
14 other offices outside of the Army. Furthermore, as
15 one of the secretaries in the liaison conferences
16 between the Imperial General Headquarters and the
17 government, General MUTO often had to act as liaison
18 man in matters pertaining to the General Staff.

19 Q Regarding the proposals mentioned in exhibit
20 3445, that is as to matters to be taken up upon the
21 acceptance of either the A and B plan, was this pro-
22 posal officially accepted by the Japanese Government,
23 if you know?

24 A The Japanese Government never adopted these
25 proposals.

1 MR. COLE: That is all, if your Honor please.

2 ACTING PRESIDENT: I have a question here
3 from a Member of the Court: Is there any writing or
4 memorandum anywhere which would show that MUTO per-
5 sonally disapproved of this plan which the witness
6 attributes to the General Staff?

7 THE WITNESS: I did not receive any special
8 note or writing from General MUTO on this matter. I
9 only heard of this from him orally, as I have testi-
10 fied a while ago.

11 ACTING PRESIDENT: That is not an answer to
12 the question: Is there any writing or memorandum
13 anywhere which would show that MUTO personally dis-
14 approved of this plan?

15 THE WITNESS: No, there is no such writing.

16 ACTING PRESIDENT: I have another question
17 from a Member of the Tribunal: Is there anything in
18 the document itself showing the plan came from the
19 General Staff besides your memory?
20

21 THE WITNESS: I was testifying only from
22 my memory.

23 ACTING PRESIDENT: That is all.
24
25

1 MR. COLE: May it please the Tribunal, I
2 invite attention to exhibit 2944 which sets up the
3 ultimate plan that was accepted by the Japanese govern-
4 ment.

5 MR. LOPEZ: Just one question, if your Honor
6 please.

7 Is there anything on exhibit 3445 wherein you
8 noted your personal reaction that it was an outrageous
9 and unworkable plan?

10 ACTING PRESIDENT: I don't think that that is
11 new matter arising out of the redirect examination.

12 MR. LOPEZ: That concludes the re-cross, your
13 Honor.

14 MR. COLE: May the witness be excused on the
15 usual terms?

16 ACTING PRESIDENT: He may be excused accordingly.

17 ("hereupon, the witness was excused.")
18

19 MR. COLE: I now offer in evidence defense
20 document 1500-A-8, this being an excerpt from the
21 Report of the Congressional Investigation of the Pearl
22 Harbor Attack, and citing a portion of the KONOYE
23 Memoirs. This describes a further effort of the accused
24 to avoid war, and makes clear that in the conversation
25 described herein he was attempting to gain information

1 that would enable the War Ministry more effectively to
2 oppose the strong attitude of the Imperial General
3 Staff.

4 ACTING PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense document 1500-A-8
6 will receive exhibit No. 3446.

7 (Whereupon, the document above re-
8 ferred to was marked defense exhibit No. 3446
9 and received in evidence.)

10 MR. COLF: For the Tribunal's assistance, may
11 I say that the date referred to is 14 October 1941 as
12 appears from the Pearl Harbor Report.

13 "These opening remarks of the Minister of War
14 were so sudden that the other Cabinet Ministers were
15 somewhat taken aback and there was no one who would
16 open his mouth to answer. The Cabinet meeting, after
17 settling other subjects for discussion, made no
18 reference to this problem of continuing negotiations
19 and adjourned.

20 "On the afternoon of the same day, MUTO, the
21 Chief of the Military Affairs Bureau, came to the Chief
22 Secretary of the Cabinet, and said, 'Somehow or other
23 it seems that the reason that the Premier can not make
24 up his mind is due to the fact that the Navy can not
25 make up its mind. Thus, if the Navy really does not

1 wish war, the Army also must think about it. But the
2 Navy does not say anything openly to the Army and only
3 says that "it will leave it up entirely to the Premier".
4 Just to say that it will be up to the decision of the
5 Premier will not be enough to control the inner circles
6 of the Army. But if the Navy will openly come to the
7 Army and say that "The Navy at this time does not wish
8 war", then the Army can easily control its command. I
9 wonder if you can not manage it so that the Navy will
10 come and say something along this line.' Thereupon,
11 the Chief Secretary spoke to OKA, the Chief of the
12 Naval Affairs Bureau, concerning this matter, but all
13 that the latter would say was this: 'As far as the
14 Navy is concerned, no matter what anyone may think, for
15 it to say that it does not wish war is something that it
16 can not do in any formal manner. What the Navy can say
17 is that "it is entirely up to the decision of the
18 Premier."'"

19 With reference to our next witness, MIKI,
20 Yoshihide, may I say that his testimony is directed
21 toward other testimony already in the record, and I
22 will give the paragraph references: paragraph 3 refers
23 to record pages 15,868 and 9; paragraph 4 refers to
24 record page 15,871; and paragraph 5 to record page
25 15,867. The quotations given are not exact quotations

1 from the record but are translations from the Japanese
2 record and I apologize for the rather rough English
3 translation.

4 We call as our next witness MIKI, Yoshihide.

5 MARSHAL OF THE COURT: Mr. President, the
6 witness MIKI is in court. He has previously testified
7 before this Tribunal.

8 ACTING PRESIDENT: You are reminded that you
9 are still under your former oath.

1 Y O S H I H I D E M I K I, recalled as a witness on
2 behalf of the defense, having been previously
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. COLE:

7 Q Mr. Witness, will you please state your name
8 and present address?

9 A My name is MIKI, Yoshihide. My address is
10 229 1-chome, Saginomiya, Nakano-ku, Tokyo,

11 MR. COLE: I ask that the witness be shown
12 defense document 2785.

13 (Whereupon, a document was handed to
14 the witness.)

15 Q Mr. MIKI, is that your affidavit, signed and
16 sworn to by yourself?

17 A Yes.

18 Q And are all the matters contained therein true
19 to the best of your knowledge and belief?

20 A Yes.

21 MR. COLE: We offer defense document 2785 in
22 evidence.

23 MR. LOPEZ: We have no objection, if the
24 Tribunal please, and we suggest that the whole text
25 of the affidavit be considered as having been read and

1 we offer no cross-examination.

2 MR. COLE: That is perfectly agreeable, sir.

3 ACTING PRESIDENT: Do you desire to read them?

4 MR. COLE: Yes, I will read it then, sir.

5 ACTING PRESIDENT: I asked, do you wish to read
6 it.

7 MR. COLE: Yes, I will read it. Is the
8 document admitted then, sir?

9 ACTING PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2785
11 will receive exhibit No. 3447.

12 (Whereupon, the document above re-
13 ferred to was marked defense exhibit No. 3447
14 and received in evidence.)
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MR. COLE: Omitting the formal parts:

"1. My name is MIKI, Yoshihide. I had formerly been a Surgeon Lieutenant General of the Japanese Army. In 1941 I had been the Chief of the Medical Bureau of the War Ministry.

"2. To the best of my recollection, at a meeting of the chiefs of bureaus on about 27 November 1941, the Chief of the Military Affairs Bureau MUTO had not read a document under the title of 'Principal Reasons Alleged for the Commencement of Hostilities Against the U. S. A. and Britain,' which comes under exhibit No. 1175 (IPS document No. 990.)

"3. So far as I remember, there were no facts as stated below:

"'When the United States' reply dated 25 November 1941 arrived, MUTO, at the meeting of chiefs of bureaus on 29th of the same month, expressed his views by saying that if Japan accepted this proposal, not only the firm establishment of the East Asia Co-prosperity Sphere would come to naught, but Japan would be sagged and then would go out of existence in order to prevent this and to firmly establish the East Asia Co-prosperity Sphere, we have to fight by all means.'

"4. To the best of my recollection, there

1 were no facts as stated below:

2 "At noon on 9 December 1941, at a tiffin
3 party of chiefs of bureaus of the War Ministry, all
4 chiefs attended the party, and Mr. MUTO chatted with
5 them about the process of the diplomatic negotiations
6 up to that date and so forth. At that time Mr. MUTO
7 told that, in short, the dispatches of Ambassador
8 KURUSU and S. S. "TATSUTA-MARU" and so forth were no
9 more than measures for camouflaging the way leading
10 to the commencement of the hostilities."

11 "5. There had not been such fact that the
12 Chief of the Military Affairs Bureau MUTO made his
13 appearance at the dining room of the War Ministry
14 every day to take his lunch. I remember that, on the
15 contrary, he did not appear there on most of those
16 days. I also do not recollect that, at noon time on
17 9 December, the next day of the outbreak of war against
18 the United States and Britain, all the chiefs of bureaus
19 of the ministry ever gathered at the dining room. On
20 that day, all chiefs of bureaus of the ministry were
21 too busy."

22 May the witness be excused on the usual terms?

23 ACTING PRESIDENT: He is excused accordingly.

24 (Whereupon, the witness was excused.)

25 MR. COLE: I call as our next witness,

SAKAKIHARA, Kazuyo.

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1
2 K A Z U Y E S A K A K I H A R A, recalled as a
3 witness on behalf of the defense, having been
4 previously sworn, testified through Japanese
5 interpreters as follows:

6 ACTING PRESIDENT: You are reminded that
7 you are still on your former oath.

8 DIRECT EXAMINATION

9 BY MR. COLE:

10 Q Mr. Witness, please state your name and
11 address.

12 A My name is SAKAKIHARA, Kazuyo; my address,
13 42 Honshio-cho, Shinjuku-ku, Tokyo.

14 MR. COLE: May the witness be shown defense
15 document 2577?

16 (Whereupon, a document was handed
17 to the witness.)

18 Q Mr. Witness, is that your affidavit, signed
19 and sworn to by you?

20 A Yes.

21 Q Are the matters discussed therein true to
22 the best of your knowledge and belief?

23 A They are completely true.

24 MR. COLE: We offer defense document 2577 in
25

1 evidence.

2 MR. LOPEZ: If the Tribunal please, the prose-
3 cution objects to the entire affidavit, on the ground
4 that it is a memorandum on the appointments and dis-
5 missals of army officers. The best evidence on the
6 subject matter would be the laws and regulations them-
7 selves, and not the opinion of this witness. The
8 matter of appointments and dismissals of army officers
9 concerns not alone MUTO, but all the defendants who
10 were in the military service. This type of evidence,
11 therefore, should have been introduced during the
12 general phase.

13 MR. COLE: Sir, the matter of resignation
14 came up particularly with regard to the accused MUTO,
15 and particularly, if I am not mistaken, in the prosecu-
16 tion's answer to our motion to dismiss.

17 In answer to the rest of the objection, the
18 affidavit refers to the rules and regulations, which
19 it discusses; and those regulations are given in
20 defense documents 1335 and 1337, which follow in our
21 order of proof.

22 It has been the practice throughout the trial
23 for both the prosecution and the defense to present
24 witnesses who could discuss the actual operation and
25 interpretation of the laws which they administered.

1 ACTING PRESIDENT: The regulations have been
2 introduced in evidence, have they not?

3 MR. COLE: I think not, sir. We propose to
4 introduce them.

5 ACTING PRESIDENT: By a majority, the objection
6 is sustained.

7 MR. COLE: May the witness be excused, sir?

8 ACTING PRESIDENT: He is excused on the usual
9 terms.

10 (Whereupon, the witness was excused.)

11 MR. COLE: We offer in evidence documents
12 1335 and 1337, 1335 being Regulations for the Enforce-
13 ment of the Army Officers' Service Ordinance; 1337
14 being Regulations Concerning Personal Matters of Army
15 Officers.

16 MR. LOPEZ: As general phase matters, defense
17 documents 1337 and 1335 are objected to.

18 MR. COLE: Our answer to that, sir, is merely
19 what I said before: that the prosecution has made a
20 particular issue in MUTO's case alone in regard to
21 resignation.

22 ACTING PRESIDENT: The objection is overruled
23 and the documents will be admitted.

24 CLERK OF THE COURT: Defense document 1335
25 will receive exhibit No. 3448; defense document 1337

1 will receive exhibit No. 3449.

2 (Whereupon, the documents above
3 referred to were marked defense exhibits
4 No. 3448 and 3449, respectively, and re-
5 ceived in evidence.)

6 MR. COLE: I respectfully refer the Tribunal's
7 attention to the following passages:

8 In exhibit 3448, Article 5, complete.

9 In exhibit 3449, Articles II and III.

10 We call as our next witness, OHIRA, Hideo.

11 ACTING PRESIDENT: Before you call the witness,
12 we will take our recess.

13 (Whereupon, at 1045, a recess was
14 taken until 1100, after which the proceedings
15 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Cole.

4 MR. COLE: I call as our next witness
5 OHIRA, Hideo.

6 - - -

7 H I D E O O H I R A, called as a witness on behalf
8 of the defense, being first duly sworn, testified
9 through Japanese interpreters as follows:

10 DIRECT EXAMINATION

11 BY MR. COLE:

12 Q Mr. Witness, please state your name and
13 present address.

14 A My name is OHIRA, Hideo; my address 2975,
15 5-Chome, Setagaya, Setagaya-ku, Tokyo.

16 MR. COLE: I ask that the witness be shown
17 defense document 2779.

18 (Whereupon, a document was handed to
19 the witness.)

20 Q Mr. Witness, is that your affidavit, signed
21 and sworn to by yourself?

22 A Yes, it is.

23 Q Are all the matters discussed therein true
24 to the best of your knowledge and belief?

25 A They are true.

1 MR. COLE: We offer defense document 2779
2 in evidence.

3 ACTING PRESIDENT: Admitted on the usual
4 terms.

5 CLERK OF THE COURT: Defense document 2779
6 will receive exhibit No. 3450.

7 (Whereupon, the document above re-
8 ferred to was marked defense exhibit No. 3450
9 and received in evidence.)

10 MR. COLE: I omit the formal parts:

11 "1. My name is OHIRA, Hideo. I was formerly
12 a Major-General of the Japanese Army. From 14 April
13 1943 to 1 April 1944 I was the Chief of Staff of the
14 Second Imperial Guard Division which was stationed
15 in Sumatra, under Lieutenant-General MUTO, Akira.
16 From then until immediately before the end of the war,
17 I was a staff officer of the 25th Army.

18 "2. While Lieutenant-General MUTO was in
19 that position, the garrison-area under the Imperial
20 Guard Division (from 1 June 1943, it was called the
21 Second Imperial Guard Division) was gradually reduced
22 as stated below:

23 "a. From the outbreak of war to April 1943:
24 Western Coast Province of Sumatra, Rio Province,
25 Tapanori Province, Eastern Coast Province and Acjie

1 Province.

2 "b. From May 1943: Tapanori Province,
3 Eastern Coast Province and Acjie Province.

4 "c. From January 1944: Eastern Coast
5 Province and Acjie Province.

6 "3. The Commander of the Imperial Guard
7 Division had nothing to do with the military
8 administration established in the garrison-area. The
9 commander was authorized only to give necessary
10 instructions as to defense, and only when the garrison-
11 area might be attacked by the enemy.

12 "4. With regard to the treatment of prisoners
13 of war in Sumatra, I heard that, in the early stage
14 of the war, the temporary POW camp was established
15 by the Imperial Guard Division which occupied the area.
16 In the meantime, however, administration of the prisoners
17 of war was taken over by the personnel whom the
18 Commander of the 25th Army at Singapore despatched
19 directly. And about July 1942 the POW camp was built
20 according to an order from Tokyo. Lieutenant-General
21 MUTO arrived at Medan to take command about 11 May
22 1942. Thus, at that time, the Administration of the
23 POW camp was already not in the hands of the
24 commander of the Imperial Guard Division. The POW
25 camp, from that time on, was administered as a branch

1 of the Malay POW camp at Singapore, which was under
2 the General Headquarters of the Japanese Army of
3 the South. The commander of the Second Imperial
4 Guard Division had nothing to do with the administration
5 of the POW camp in the garrison-area of the division.

6 "5. With regard to the administration of
7 the civilian internees' camps, the governor of the
8 province, an official of the military government
9 organization, was in charge of them. The military
10 government was also responsible for the guarding
11 of these internees' camps. However, when a request
12 was made for help, owing to the shortage of personnel,
13 the commander of the Second Imperial Guard Division
14 made it a rule to comply. Thereafter, from 1 April
15 1944, the headquarters of the 25th Army directly
16 administered these civilian internees' camps. At
17 the same time, the Second Imperial Guard Division
18 had been put under an obligation to assist the head-
19 quarters in the construction of the camps, and as to
20 supplies. However, as stated above, the division
21 had not been responsible at all for the administration
22 of these camps.

23 "6. In this last paragraph I would like to
24 make a statement about the military discipline and
25 morale of the soldiers of the Imperial Guard Division.

1 Originally the principal duties of this division
2 were to guard the Imperial Palace and to escort
3 the Emperor. It was composed of excellent young
4 men chosen from all over Japan. The statistics regard-
5 ing crime in the army at that time indicated that
6 the 25th Army was the one whose discipline was the
7 most strict and that, of all units, under the 25th
8 Army, the Second Imperial Guard Division gave the best
9 showing. I have no recollection of any complaint
10 brought to me by the Military Government organization
11 or from the native inhabitants regarding any mis-
12 conduct of members of the Imperial Guard Division."

13 You may cross-examine.

14 MR. LOPEZ: No cross-examination, if your
15 Honor please.

16 MR. COLE: May the witness be excused on
17 the usual terms?

18 THE PRESIDENT: He is excused accordingly.

19 (Whereupon, the witness was excused.)

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1 Originally the principal duties of this division
2 were to guard the Imperial Palace and to escort
3 the Emperor. It was composed of excellent young
4 men chosen from all over Japan. The statistics regard-
5 ing crime in the army at that time indicated that
6 the 25th Army was the one whose discipline was the
7 most strict and that, of all units, under the 25th
8 Army, the Second Imperial Guard Division gave the best
9 showing. I have no recollection of any complaint
10 brought to me by the Military Government organization
11 or from the native inhabitants regarding any mis-
12 conduct of members of the Imperial Guard Division."

13 You may cross-examine.

14 MR. LOPEZ: No cross-examination, if your
15 Honor please.

16 MR. COLE: May the witness be excused on
17 the usual terms?

18 THE PRESIDENT: He is excused accordingly.

19 (Whereupon, the witness was excused.)

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1 MR. COLE: I now offer in evidence the
2 sworn deposition of KUMEGAWA, Yoshiharu, together
3 with a telegram from his doctor stating that
4 KUMEGAWA is unable to appear before the Tribunal
5 at this time. We obtained the telegram because
6 the illness of the witness was so sudden, but we
7 later obtained a written certificate which there-
8 fore has been added.

9 Since a great deal of emphasis has been
10 put on the situation in the Philippines in the
11 months prior to the surrender, we consider it of
12 the utmost importance to make clear the state of
13 confusion and chaos during which the alleged
14 atrocities occurred and the utter impossibility,
15 on the part of this accused, of knowing of or pre-
16 venting such alleged acts. We appreciate that this
17 Tribunal does not wish to go into unnecessary detail
18 with regard to tactical matters, and we feel that
19 this affidavit gives briefly the main and important
20 facts of a complicated situation, a full understand-
21 ing of which is vital to our defense.

22 MR. LOPEZ: If the Tribunal please, objec-
23 tion is made on the ground that the witness is not
24 made available for cross-examination. We merely
25 advert the attention of the Tribunal to the long

1 argument that was advanced, pro and con, during the
2 discussion of similar matters on defense document
3 2786.

4 Even if he were available for cross-
5 examination, the entire affidavit is objected to
6 on the ground that it should have been introduced
7 in the general phase. The whole purport of the
8 affidavit is to show that both General YAMASHITA
9 and General MUTO were ignorant of and had nothing
10 to do with the atrocities in the Philippines.

11 The last paragraph on page 5 of the defense'
12 opening statement of MUTO reads:

13 "The alleged atrocities were committed
14 without the slightest knowledge or approval of either
15 YAMASHITA or this accused by troops which were out-
16 side YAMASHITA's power to command. MUTO was not in
17 a position to suppress them, although he did all
18 that could be done. This point has already been
19 testified to by KOBAYASHI, Shujiro, and other wit-
20 nesses in the general phase." And, continues the
21 opening statement: "We will offer in support of our
22 contention another witness who was a member of the
23 Japanese staff in the Philippines."

24 Thus, it is obvious to this honorable Tri-
25 bunal that this matter was thoroughly covered in the

1 argument that was advanced, pro and con, during the
2 discussion of similar matters on defense document
3 2786.

4 Even if he were available for cross-
5 examination, the entire affidavit is objected to
6 on the ground that it should have been introduced
7 in the general phase. The whole purport of the
8 affidavit is to show that both General YAMASHITA
9 and General MUTO were ignorant of and had nothing
10 to do with the atrocities in the Philippines.

11 The last paragraph on page 5 of the defense'
12 opening statement of MUTO reads:

13 "The alleged atrocities were committed
14 without the slightest knowledge or approval of either
15 YAMASHITA or this accused by troops which were out-
16 side YAMASHITA's power to command. MUTO was not in
17 a position to suppress them, although he did all
18 that could be done. This point has already been
19 testified to by KOBAYASHI, Shujiro, and other wit-
20 nesses in the general phase." And, continues the
21 opening statement: "We will offer in support of our
22 contention another witness who was a member of the
23 Japanese staff in the Philippines."

24 Thus, it is obvious to this honorable Tri-
25 bunal that this matter was thoroughly covered in the

1 general phase.

2 MR. COLE: May it please the Tribunal,
3 may I comment on the first objection first, that is,
4 in regard to the witness' present unavailability.
5 As I stated before, the witness' illness was sudden.
6 and we obtained a certificate by telegraph. The
7 follow-up certificate states that the witness will
8 not be available for sixty days. Beyond that, I
9 have no further comment except to observe that his
10 present location is in Shikoku, which is one of the
11 south-westerly Japanese islands.

12 With regard to the objection that this
13 affidavit should have been offered in the general
14 phase, counsel has already pretty well given my
15 answer by saying that the affidavit is concerned
16 almost completely with the actions of YAMASHITA and
17 General MUTO. Those matters which might conceivably
18 affect other defendants were presented and covered
19 in the general phase, but prosecution will hardly
20 contend, I believe, that any other defendant is con-
21 cerned as intimately as General MUTO in the military
22 situation around Manila. That fact, if I may say so,
23 sir, is borne out in my mind by the very fact that
24 Mr. Lopez is the one assigned to this particular
25 part of the case.

1 ACTING PRESIDENT: If this man is recalled
2 as a witness, does the prosecution intend to cross-
3 examine him?

4 MR. LOPEZ: No.

5 ACTING PRESIDENT: By a majority vote of
6 the Court, the objection is overruled. The docu-
7 ment will be admitted.

8 CLERK OF THE COURT: Defense document 2685
9 will receive exhibit No. 3451.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 3451 and received in evidence.)

13 MR. COLE: Omitting the formal portions:

14 "1. I, KUMEGAWA, Yoshiharu, live at
15 Onakadai-Machi, Chiba City and am 46 years old.

16 "2. At the time of the termination of the
17 war, I was a colonel and a staff officer of the 14th
18 Area Army.

19 "3. On December 22 of the 19th year of
20 Showa (1944), I arrived at my post in the Philippine
21 Islands, as a staff officer to General YAMASHITA,
22 the Commander of the 14th Area Army. I was appointed
23 the Senior Staff Officer, in charge of the Tactical
24 Affairs Section, succeeding Colonel KOBAYASHI who
25 was then attached to the Shinbu Group. From then

1 and until the termination of the war, I was in
2 office in the Headquarters of the said Army and was,
3 nearly all the time, in the same place as General
4 YAMASHITO and Chief of Staff MUTO, with whom I was
5 closely connected. I will make a statement as
6 mentioned below, according to my firsthand knowledge,
7 on the intention and actions of the Army Commander
8 and on the actions of Chief of Staff MUTO concern-
9 ing the Luzon operations.

10 "4. When I arrived at Manila on December
11 22 of the 19th year of Showa (1944), the Head-
12 quarters of General YAMASHITA was located at Fort
13 McKinley. At that time, a part of the U. S. Army
14 had already landed at San Jose (about 250 kilometers
15 south of Manila), Mindoro Island. General lines of
16 our operations in Luzon Island were decided and every
17 unit was successively moving to each allotted
18 position. General YAMASHITA, in consideration of
19 the future operations in Luzon Island, moved his
20 Headquarters to Ipo, approximately 30 kilometers
21 north-northeast of Manila, on December 26. As a
22 result, General YAMASHITA and Chief of Staff MUTO
23 never stayed in the city of Manila.

24 "5. At that time the Japanese Army in
25 Luzon was a small force, poorly equipped, short of

1 maneuvering power and, especially lacking in air
2 force. The U. S. Army, on the other hand, was
3 absolutely predominant in air force and superior
4 in firing power and equipment, and had a great
5 maneuvering power. Such being the case, the U. S.
6 forces could land at any point at their own choice.
7 The Commander of the Japanese Army, accordingly,
8 was at great pains to infer the landing points of
9 the U. S. forces.

10 "The Command, in view of the difference of
11 strength and equipment between our army and the
12 enemy, had the intention of evading decisive battles
13 on the plains and of carrying out a persistent
14 struggle, taking advantage of mountainous regions.
15 If, when the Japanese forces had been concentrated
16 in the vicinity of Manila, the U. S. Army should
17 have their main force put ashore in the Bay of
18 Lingaen, the Japanese forces would be forced to
19 fight in the plains, for which their equipment was
20 unfit, and be in danger of being destroyed in a
21 short time. Therefore, the Commander's program was
22 that Manila should be abandoned and the main force
23 should be located in northern Luzon, that the Japa-
24 nese forces in the vicinity of Manila should occupy
25 the mountainous region on the east of Manila, that

1 only the forces necessary to carry and escort war
2 supplies as well as to keep guard would be left in
3 the city of Manila and that the city should be
4 evacuated prior to the entry by the U. S. Army.

5 "In removing his Headquarters from Fort
6 McKinley to Ipo on December 26 of the 19th year of
7 Showa (1944), General YAMASHITA meant to inform his
8 men by his personal action of his idea of abandon-
9 ing Manila City and to hasten the snail-paced
10 exodus of the forces out of Manila as well as of
11 carrying munitions out of Manila.

12 "6. It goes without saying that Manila
13 City was the most important base in the Far East
14 for the U. S. Army. As regards Manila City itself,
15 however, there were a great number of wooden houses
16 much liable to take fire, the city was tactically
17 of little effective value due to the shallowness of
18 subterranean water and, besides, the million citizens
19 were suffering extremely from a shortage of provisions.
20 It appeared, accordingly, to be impossible to defend
21 the region, including the city.

22 "Besides, it was always in the mind of
23 General YAMASHITA that it was wrong to reduce the
24 sole civilized city in the Philippine Islands to
25 ashes by turning it into a field of battle. Chief

1 of Staff MUTO also insisted on abandonment of
2 Manila.

3 "Moreover, neither the Imperial Head-
4 quarters nor the Southern General Army ordered
5 Manila City to be defended to the last. The Luzon
6 operations were wholly left to General YAMASHITA's
7 strategy.

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1 "7. General YAMASHITA named the Japanese
2 forces, which were to occupy the position in the
3 mountainous region east of Manila, the Shimbun Group of
4 which Lieutenant General YOKOYAMA, Shizuo was ordered
5 to take command. And he dispatched one unit to the
6 Batangas Peninsula, ordering it to hold in check the
7 enemy's rush to Manila. Then General YAMASHITA removed
8 the Headquarters to Baguio on January 4, 1945.

9 "8. General YAMASHITA was rigid in commanding
10 the army. But the communication facilities of the
11 Japanese army in the Philippine campaign were beyond all
12 comparison inferior to those of the United States Army.
13 Therefore, express delivery of communications was found,
14 prior to the opening of the operations, to be difficult,
15 owing to lowered level of ability of operators and
16 intricacy of ciphers as well as to the fact that there
17 existed only one wireless available in the principal
18 direction. After the operations were opened the
19 difficulty increased so extremely that only im-
20 portant commands or reports could be barely communicated
21 and any detailed information was not reported at all.

22 "9. The naval forces were independent until
23 the termination of the war. However, the naval units in
24 Manila and other districts were respectively subjected
25 to the army commanders in the districts concerned,

1 simultaneously with the opening of hostilities, so far
2 as land fighting was concerned. The naval unit in
3 Manila was placed under the command of Lieutenant
4 General YOKOYAMA on January 5, 1945. Nevertheless, the
5 fact was that General YAMASHITA was not acquainted with
6 the condition of the naval forces in detail during the
7 campaign. Besides, the air forces were not under the
8 command of General YAMASHITA as before after Field
9 Marshal TERAUCHI left Manila about the middle of Novem-
10 ber 1944. It was on January 1, 1945 that the air forces
11 were placed under his command for the first time.

12 "10. No report was made to the Area Army Head-
13 quarters of anyone in the Japanese Army having killed
14 Filipinos or ill-treated war prisoners. General
15 YAMASHITA and Chief of Staff MUTO were utterly ignorant
16 of such fact. General YAMASHITA, who had been in the
17 War Ministry for a long period, was conversant with
18 laws and regulations. He was also so rigid as to
19 military discipline that, had he been informed of such
20 a fact, he would have severely punished anyone concerned.
21 He never ordered murder or ill-treatment to be committed.

22 "11. General YAMASHITA and Chief of Staff MUTO
23 were always in the same place except when the latter
24 went out to inspect the front line now and then. At
25 Fort McKinley, the office of the Chief of Staff was

1 situated next to that of the Commander. At Baguio, the
2 two were in the same room. After the building was
3 bombed they lived in the same air-raid shelter. After
4 they moved to Banban toward the end of April, they used
5 one desk in common. Such being the case, Chief of Staff
6 MUTO was well aware of the plans of General YAMASHITA.
7 But when he happened to find anything uncertain in the
8 intention of the Commander, on the occasion, for instance,
9 of the meeting of the staff officers alone, he made it
10 a rule either to go to ask the Commander about it or
11 to reserve the decision and give instructions later on.

12 "12. The Chief of Staff was not invested with
13 the authority of deciding principal matters. Chief of
14 Staff MUTO was most faithful to this rule and gave no
15 order to any unit. There were some matters of routine
16 work which lay within the competence of the Chief of
17 Staff. As for such matters, the Commander often gave
18 his views as he shared the room with MUTO and heard
19 about such matters.

20 "General YAMASHITA was in such good health
21 that illness never prevented him from doing duty even
22 a single day."

23 I next offer in evidence defense documents
24 2805 and 2806. These are excerpts from General Marshall's
25 report, exhibit 2765. These very brief excerpts confirm

1 the matters described in the affidavit of KUMEGAWA, and
2 from a source which can hardly be questioned.

3 ACTING PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 2805 will
5 receive exhibit No. 3452. Defense document 2806 will
6 receive exhibit No. 3453.

7 (Whereupon, the documents above re-
8 ferred to were marked defense exhibit No.
9 3452 and No. 3453 respectively and received
10 in evidence.)

11 MR. COLE (Reading): "Excerpt from the book
12 entitled 'The Winning of the War in Europe and the
13 Pacific.' General Marshall's Report. Page 74:

14 "In the six days of the great naval action the
15 Japanese position in the Philippines had become ex-
16 tremely critical. Most of the serviceable elements of
17 the Japanese Navy had been committed to the battle with
18 disastrous results. The strike had miscarried, and
19 General MacArthur's land wedge was firmly implanted in
20 the vulnerable flank of the enemy. TERAUCHI no longer
21 had an effective fleet to cover his forces in the
22 Philippines or his communications to the empire of
23 Malaysia so easily conquered two and one-half years
24 before. There were 260,000 Japanese troops scattered
25 over the Philippines but most of them might as well have

1 been on the other side of the world so far as the
2 enemy's ability to shift them to meet the American
3 thrusts was concerned. If General MacArthur succeeded
4 in establishing himself in the Visayas where he could
5 stage, exploit, and spread under cover of overwhelming
6 naval and air superiority, nothing could prevent him
7 from overrunning the Philippines."

8 Exhibit 3453:

9 "Pages 75 and 78:

10 "No opportunity was overlooked to conceal this
11 bold plan from the Japanese. While the assault force
12 was proceeding up the west coast of Luzon, Kenney's
13 planes and the guerrillas under MacArthur's direction
14 concentrated on the destruction of roads, bridges, and
15 tunnels to prevent General YAMASHITA from shifting forces
16 to meet the assault. The guerrillas in southern Luzon
17 conducted noisy demonstrations to divert Japanese atten-
18 tion to the south. Navy mine sweepers swept the Balayan,
19 Batangas, and Tayabas Bays on the south coast of Luzon.
20 Landing ships and merchantmen approached the beaches
21 until they drew fire, then slipped out under cover of
22 night. United States transport planes flew over
23 Batangas and Tayabas and dropped dummies to simulate an
24 airborne invasion. The Tokyo radio reported that
25 American troops were trying to land on Luzon but had

1 been driven off. Japanese forces on the island, har-
2 assed by guerillas and by air, drove north, south, east
3 and west in confusion, became tangled in traffic jams on
4 the roads, and generally dissipated what chance they
5 might have had to repel the landing force. On 9 January
6 the United States Sixth Army now composed of the I and
7 XIV Corps, hit the beaches in Lingayen Gulf. By night-
8 fall, 68,000 troops were ashore and in control of a
9 15-mile beachhead, 6,000 yards deep.

10 "The landing had caught every major hostile
11 combat unit in motion with the exception of the 23rd
12 Infantry Division to the southeast of the beachhead in
13 the central Luzon plain and its supporting 58th in-
14 dependent mixed brigade 25 miles to the north of
15 Lingayen Gulf. YAMASHITA's inability to cope with
16 General MacArthur's swift moves, his desired reaction
17 to the deception measures, the guerillas, and General
18 Kenney's aircraft combined to place the Japanese in an
19 impossible situation. The enemy was forced into a piece-
20 meal commitment of his troops. The Japanese 10th and
21 105th Divisions in the Manila area which were to secure
22 Highway No. 5 on the eastern edge of the central Luzon
23 plain failed to arrive in time. The brunt of defending
24 this withdrawal road to the north fell to the 2nd Japan-
25 ese Armored Division which seemingly should have been

MUTO

DIRECT

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1 defending the road to Clark Field."

2 "We now call the accused MUTO who will testify
3 in his own behalf.

4 - - -

5 A K I R A M U T O, an accused, being first duly
6 sworn, testified through Japanese interpreters
7 as follows:

8 DIRECT EXAMINATION

9 BY MR. COLE:

10 Q You are the accused MUTO, Akira?

11 A Yes, I am.

12 MR. COLE: May I ask that General MUTO be
13 shown defense document 2679?

14 (Whereupon, a document was handed
15 to the witness.)

16 Q Is the document which you are examining your
17 sworn deposition, signed and sworn to by you?

18 A Yes.

19 Q I ask you whether all the matters discussed
20 therein are true to the best of your knowledge and be-
21 lief.

22 A The contents are all true.

23 MR. COLE: I offer defense document 2679 in
24 evidence.

25 ACTING PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2679
will receive exhibit No. 3454.

2 (Whereupon, the document above re-
3 ferred to was marked defense exhibit No.
4 3454 and received in evidence.)

5 MR. COLE: Omitting the formal portions:

6 "1. From 1922, a lieutenant at that time, I
7 served at the office of Inspector General of Military
8 Training and was engaged in revision of drill manuals,
9 drill standards, etc., in accordance with changes in
10 tactics after the first World War. My service there
11 continued until 1929 though I became ill in January of
12 1928. From that time I was in poor health and spent
13 half of the year of 1929 on sick leave. In December of
14 the same year, however, I was ordered to enter the Staff
15 College as a post-graduate student. What is called the
16 post-graduate plan at the Staff College is the system
17 under which ten officers are selected from among majors
18 and lieutenant-colonels who have already graduated from
19 the college for the purpose of studying higher strategy
20 and tactics for one year. My rank at that time was that
21 of major. My assignment was to study the fundamental
22 thoughts of Clausewitz and SUNTzu in order to make a
23 comparison between European and Oriental thought in the
24 matters of tactics and strategy. Such being the case,
25

1 concerning the incident in which Field Marshal Chang,
2 So-lin was killed by a bomb at Mukden at that time, I
3 learned it only through newspapers.

4 "2. In November of 1930, I was attached to the
5 General Staff and ordered to serve at the 2nd Section
6 there, which corresponded to G-2 in the United States
7 Army. However, as I was still not in good health, I
8 took a more or less leisurely post at the European post
9 there. In August of 1931, I was transferred to the 1st
10 Section to do work on line of communications matters.
11 At that time, the Chief of the General Staff attempted
12 to revise the regulations concerning line of communica-
13 tions matters on the basis of experiences during the
14 First World War and, as the work was not yet finished,
15 he ordered me to make the compilation.

16 "Meanwhile, the so-called Manchurian Incident
17 broke out in September of the same year and the General
18 Staff was in a tension for a while. However, the strength
19 which was actually ordered to move was only one brigade,
20 despatched from Korea to reinforce the Kwantung Army,
21 so we, in the line of communications branch, were not
22 especially busy, and I could continue my work of compil-
23 ing the regulations on line of communications business.
24 My work continued to March 1932. On completion of my
25 work I was ordered to serve at the 2nd Branch again.

1 I learned that a society called 'Sakurakai' existed at
2 that time, but I was not a member of it, nor had I any-
3 thing to do with it.

4 "3. In March of 1934, I was transferred to the
5 1st Infantry Regiment. Prior to this, in August 1933,
6 I was promoted to lieutenant colonel. As it was pro-
7 vided that a regimental commander should be a colonel,
8 I acted there as an assistant for the regimental com-
9 mander.

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1 "4. Next, I was transferred to the Military
2 Administration Section, Military Affairs Bureau, War
3 Ministry, in March of 1935 and was there until June
4 of the following year, during which period, concur-
5 rently with my regular duties, I taught about army
6 institutions as a tutor in the Army College. During
7 this period an incident I especially remember was a
8 riot by young officers which broke out on February
9 26th of that year. They murdered several senior
10 statesmen and occupied the buildings of the War
11 Ministry, the General Staff, the Diet, the Metropol-
12 itan Police, etc. At that time I worked hard, day
13 and night, as a member of the staff of the War
14 Ministry, for suppression of the riot and dealing
15 with the aftermath of the incident. I further learned
16 that my name was listed in the second assassination
17 list afterwards. This was because I had hitherto
18 opposed the movement of the young officers.

19 "5. In June of 1936, I was appointed a staff
20 officer of the Kwantung Army and put in charge of
21 information as Chief of the Second Section, the
22 Operations Department of the same army. My service
23 as such staff officer continued up to March 1937 or
24 approximately eight months. In August of 1936 I was
25 promoted to colonel. TANAKA, Ryukichi, who has

1 appeared as a witness before this Tribunal, was at
2 that time my subordinate as a senior lieutenant colonel.

3 "6. In March 1937 I was transferred to the
4 General Staff and came to take charge of operation,
5 organization, etc., as Chief of the Second Section
6 under the command of the Chief of the First Division.
7 However, it was in the middle part of March that I
8 arrived at my post, when the operation plan for 1937
9 had already been drawn up. So I made a study of the
10 following year's plan.

11 "As to the operations plan concerning China at
12 that time -- in regard to that, I have found that my
13 answer to the interrogation made by the prosecutor
14 was incorrectly understood in that I was supposed to
15 have answered to the prosecutor as if there had been
16 at that time a unified operational plan for an over-all
17 war against China. The operational plan with regard to
18 China, as to which I spoke at the time, was the plan
19 for a partial despatch of armed forces to China for
20 protection of Japanese residents in North or Central
21 China. Therefore, when an incident broke out in North
22 China in July of 1937, the said plan could not be put
23 into practice. What the General Staff had planned was
24 merely reinforcement of the Japanese Stationing Forces
25 in China to protect Japanese residents in case an

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20 protection of Japanese residents in North or Central
21 China. Therefore, when an incident broke out in North
22 China in July of 1937, the said plan could not be put
23 into practice. What the General Staff had planned was
24 merely reinforcement of the Japanese Stationing Forces
25 in China to protect Japanese residents in case an

1 incident broke out in and around Peking and Tientsin.
2 However, the situation was completely different, and
3 it became necessary to make another study of it. I
4 took these tasks by order of my director.

5 "7. In the latter part of October 1937, I went
6 to Shanghai under the order of the Chief of Staff, to
7 observe the military situation of the Japanese Expedi-
8 tionary Army there. While I was making this observation
9 trip there, around November 4, the Tenth Army, under
10 command of Lt. General YANAGAWA, landed at Hangchow Bay
11 according to the plan of the General Staff, and at the
12 same time the Headquarters of the Central Chinese Area
13 Army was established, and General MATSUI, the Commander
14 in Chief of the Expeditionary Army at Shanghai, came to
15 hold simultaneously the post of Commander in Chief of
16 the Central China Area Army and to command concurrently
17 the Expeditionary Army at Shanghai and the Tenth Army.
18 I was appointed an Assistant Chief of Staff for General
19 MATSUI without returning to Tokyo.

20 "The operations duties of General MATSUI were
21 to protect the lives and property of Japanese residents
22 by driving back the Chinese forces around Shanghai,
23 and the operational area was the delta in the east,
24 from the line connecting Fushan, Soochow and Chiahshing.
25 His duties were accomplished around 23 or 24 November.

1 "8. By that time, General MATSUI had not yet
2 been given the function of occupying Nanking. It was
3 the first of December that the order to occupy Nanking
4 was received from the Imperial Headquarters. Then
5 General MATSUI ordered the Expeditionary Army at
6 Shanghai and the Tenth Army to proceed to attack Nanking.
7 The headquarters of General MATSUI was in the suburbs
8 of Shanghai City, and went forward to Soochow around
9 5 December. It was around 7 December that the newly
10 appointed Commander in Chief took over, and General
11 MATSUI was relieved as Commander in Chief of the
12 Expeditionary Army at Shanghai and thus came to act
13 solely as Commander in Chief of the Central China Area
14 Army.

15 "Receiving, about 8 December, the report that
16 our vanguards had advanced over the line of Mapanshan
17 and were approaching Nanking, General MATSUI gave
18 orders as follows:

19 "(1) The first line shall remain within a
20 limit of 3 or 4 kilometers outside the city of Nanking.

21 "(2) In order to advise the guards in the city
22 of Nanking to surrender, leaflets would be scattered by
23 airplanes.

24 "(3) If the Chinese forces surrender, both
25 armies (the Expeditionary Army at Shanghai and the

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22 of Nanking to surrender, leaflets would be scattered by
23 airplanes.
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25 "(3) If the Chinese forces surrender, both
armies (the Expeditionary Army at Shanghai and the

1 Tenth Army) shall have two or three battalions selected
2 from each division to enter the city of Nanking, and
3 they shall take charge of preserving public peace in
4 the areas allotted to them, and the main forces shall
5 remain outside the city of Nanking. Foreign rights and
6 interests, specially indicated, shall be protected.

7 "(4) In case the Chinese forces should not
8 surrender by noon of 10 December, the city of Nanking
9 shall be attacked; provided, however, that even in
10 such case the units to enter the city shall act in
11 accordance with the preceding items, maintain strict
12 military discipline and morale, and secure the public
13 peace quickly.

14 "These orders were delivered to the headquarters
15 of both armies by Chief of Staff TSUKADA, who went
16 personally to both offices, accompanied by two or
17 three staff officers. As the Chinese forces did not
18 surrender, the attack on Nanking was started from the
19 noon of the 10th and Japanese forces advanced into
20 Nanking over the castle-wall on the 13th.

21 "General MATSUI, who had already become ill at
22 Shanghai, was still not in good condition after he went
23 forward to Foochow, so I arranged to remain at Foochow,
24 taking care of the General. However, he had to partici-
25 pate, as the Supreme Commander of the Army, with the

1 Supreme Commander of the Navy, in the formal entry to
2 be held on 17 December. Then an airfield was built
3 hurriedly in paddy-fields in the suburbs of Soochow,
4 and he went to Koujung by a small airplane on 15
5 December and then got to Tanshuichen by car.

6 "After the formal entry at Nanking was held on
7 17 December, General MATSUI heard for the first time
8 from Chief of Staff TSUKADA that most of the units had
9 entered the city against the commander's order; that,
10 following the entry of the units, plunder and rape
11 cases occurred there. Concerning this matter, it is
12 stated in the prosecutors' interrogatory to me that
13 General MATSUI had been blamed by his staff for these
14 cases, but this is complete misinterpretation. I meant
15 that General MATSUI himself got very angry at these
16 cases, by the honorific expression in Japanese as
17 follows: 'Sore o kiite MATSUI taisho ga okorareta.' (
18 (TN: This means 'General MATSUI got angry to hear it.')

19 "General MATSUI ordered both commanders to with-
20 draw promptly out of the city all forces except the
21 strength necessary for guard of Nanking, and strictly
22 to maintain military discipline and morale. I under-
23 stand that both commanders executed this order. How-
24 ever, the withdrawal of the units out of the city of
25 Nanking was delayed a little because Chinese forces

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2 be held on 17 December. Then an airfield was built
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21 strength necessary for guard of Nanking, and strictly
22 to maintain military discipline and morale. I under-
23 stand that both commanders executed this order. How-
24 ever, the withdrawal of the units out of the city of
25 Nanking was delayed a little because Chinese forces

1 were burning buildings, calling such actions 'Cleaning
2 Operations'; and besides there was little water to
3 drink.

4 "My office, as mentioned above, was Assistant
5 Chief of Staff of the Central China Area Army. The
6 functions of Assistant Chief of Staff (which are
7 provided for in the Higher Headquarters Service Regu-
8 lations) were to assist the Chief of Staff and chiefly
9 to act as an intermediary to coordinate work of other
10 organs, etc. in replacement of personnel, supplies or
11 provisions, arms and ammunition, etc., so that these
12 matters might be carried out smoothly. The Assistant
13 Chief of Staff was partial assistant for the Chief of
14 Staff and had no power to make a decision at all.
15 Moreover, the duties were not to maintain military
16 discipline and morale. During my stay at Nanking I
17 made investigations, by order of the Chief of Staff,
18 on the camping capacity outside the city of Nanking,
19 and engaged in the work of withdrawing the soldiers
20 from the city.

21 "Now, as for General MATSUI, after he stayed
22 at Nanking for four or five days -- it was my wrong
23 recollection that I answered to the interrogation of
24 the prosecutor that he stayed there for a week -- he,
25 followed by staff officers, returned to the headquarters

1 at Shanghai about December 21. I also went back to
2 Shanghai. It was because he had another duty of
3 reducing Hangchow. After the formal entry at Nanking,
4 General YANAGAWA, the Commander of the Tenth Army,
5 turned and forwarded his army to Hangchow, and the
6 101st Division which remained near Shanghai was also
7 marching toward Hangchow. Therefore, General MATSUI
8 returned hurriedly to Shanghai to command these forces.
9 The Chinese forces at Hangchow retreated without
10 fighting, so Japanese forces captured it without
11 bloodshed about December 24.

12 "9. Towards the first part of February 1938,
13 the Imperial Headquarters reduced the strength of
14 Japanese forces in Central China to about six divisions,
15 abolished the Central China Area Army, the Expeditionary
16 Army at Shanghai and the Tenth Army, and left only
17 the Expeditionary Army in Central China. Then General
18 MATSUI, M.I.H. ASAKA, Lt. General YANAGAWA and a
19 majority of staff officers returned home and General
20 HATA came as the new Commander in Chief. I remained
21 there as Assistant Chief of Staff for General HATA.

22 "10. Early in July 1938 I was transferred to
23 the post of Vice Chief of Staff of the North China
24 Area Army, left the Central China Expeditionary Forces
25 and moved to Peiping. I remained at the post until

1 October 1939. Count 46 takes up the attack on Canton
2 on 21 October 1938 and charges me on this account.
3 However, the attack was carried out by a unit which
4 had no relation with the North China Area Army, and
5 I had no connection with it. The same can be said about
6 the attack on the city of Hankow which took place
7 around 27 October 1938 and which is mentioned in
8 Count 47. I had nothing to do with that, likewise.
9 The 'Khalkin-Gol' River case which occurred in the
10 summer of 1939 and which appears in Count 26 is a case
11 which I had no connection with, because it broke out
12 when I was still attached to the North China Area Army
13 in Peiping, and because it was carried out by a unit
14 which had no connection with the North China Area Army.

15 "11. In October 1939 I took office as Chief
16 of the Military Affairs Bureau of the War Ministry,
17 and, at the same time or immediately after, was appointed
18 Chief Secretary of the Supreme War Council and secre-
19 taries or councillors of about ten kinds. But these
20 concurrent posts were those which automatically
21 followed the position of the Chief of the Military
22 Affairs Bureau, and no special implications are
23 attached to it.

24 "I occupied the post of Chief of the Military
25 Affairs Bureau from October 1939 to April 1942, but

1 no changes were perceivable as for the duties of the
2 Military Affairs Bureau during this period. But in
3 July 1940, after the Second KONOYE Cabinet was formed,
4 the authority of the Cabinet Information Board was
5 strengthened, and such things as censorship of
6 matters connected with the Army, which had hitherto
7 been carried out by the Intelligence Division of the
8 War Ministry, were all transferred to the new Cabinet
9 Information Board."

10 ACTING PRESIDENT: This is a good place to stop.

11 We will adjourn until 1:30.

12 (Whereupon, at 1200, a recess
13 was taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

ACTING PRESIDENT: The Tribunal has appointed
the Honorable Mr. Justice Northcroft Commissioner to
take the testimony of ISHII, Akiho. The hearing will
be held at such time and place as the Commissioner
may designate.

Mr. Cole.

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A K I R A M U T O, an accused, resumed the stand
and testified through Japanese interpreters as
follows:

DIRECT EXAMINATION

MR. COLE: I continue reading with
paragraph 12:

"12. Even when I took office as the Chief
of the Military Affairs Bureau, I knew nothing of
political or diplomatic problems. However, as I had
previously served in Central and North China for about
two years, I had some opinions concerning Chinese
affairs. It was my tentative opinion that among the
five hundred million people in China, there was rising
a racial consciousness of tremendous vigor, and now
the China Incident was assuming the form of racial
war; that its nucleus was Mr. Chiang Kai-shek; that
the Chinese questions would not be solved with the
old views maintained regarding China by the so-called
experts on China; that the longer the China Incident
continued, the harder the settlement would be; that
we should work out at once a plan of solution to deal
with the Chiang regime, breaking the past impasse and
to harmonize the relations between Japan, the United
States and Britain.

"I had no special connections with the National

Policy Institute. Only from what my predecessor
1 told me, I regarded the institute as a middle-of-the-
2 road organization of intellectual civilians, bene-
3 ficial because it permitted knowing the opinions of
4 civilian circles. Although Mr. YATSUGI, the Chief
5 Secretary of the Institute Society, gave evidence
6 that I had addressed the institute a few times, this
7 is his erroneous memory. Never once did I show up
8 there to make an address. Indeed, I was asked time
9 and again to address the group after I returned from
10 China, but I refused. Only once -- I remember it was
11 around February or March 1940 I was invited to luncheon
12 by the leaders of the group, and went there. Then,
13 after lunch, I was strongly requested to speak some-
14 thing and stated my personal opinions concerning
15 China, for about ten minutes. This is the only time
16 when I have ever visited the institute. Concerning
17 the National Policy Institute, there was another
18 affair, which I shall mention. Though I do not
19 remember the date clearly, Baron OKURA paid a visit
20 to me in the autumn of 1941 and after explaining about
21 the financial difficulties of the National Policy
22 Institute, made a request for subsidies from the
23 Foreign, War and Navy Ministries. Then in accordance
24 with the procedure to be followed when we receive a
25

1 request of the kind, I told the Vice Minister about
2 it, and he approved it, and then the subsidies
3 amounting to ¥20,000 were granted. I do not know for
4 what purpose the money was used. Furthermore, I do
5 not know anything about the research documents on
6 the Greater East Asia Co-Prosperity Sphere, which
7 were prepared by the institute; and, of course, I have
8 never seen them. However, if such documents were
9 prepared, they must have been done after I left
10 Tokyo in April 1942.

11 "The Liaison Conference was a liaison con-
12 ference as the term denotes, the purpose of which was
13 to promote understanding between the government and
14 the Supreme Command and to bring about harmony between
15 government business and the Supreme Command. I attended
16 it in the capacity of a secretary. The secretary's
17 duties were to prepare and arrange for the Liaison
18 Conference topics for discussion, chosen by my superiors,
19 and, if necessary, to prepare explanatory notes or to
20 bring persons to explain. In the Liaison Conference,
21 when opinions of all the members were unanimous, they
22 were to sign the decisions, but the secretary had no
23 capacity to do so. I attended the Imperial Conference,
24 but that was also in the capacity of a secretary. The
25 secretary of the Imperial Conference had less business

1 than that of the Liaison Conference, and his duties
2 were merely to distribute to the seats of the
3 members the documents which were prepared by the
4 respective organs in charge.

5 "I also attended the Inquiry Commission
6 Conference of the Privy Council, but in the capacity
7 of an explainer. Primarily, policy matters were to
8 be explained by the Minister. However, in case the
9 explanation should go into details, necessitating
10 explanations of practical and technical nature, the
11 so-called explainer made the explanation on behalf
12 of the Minister. But, as a matter of fact, I never
13 made an explanation there.

14 "As stated above, I attended the Liaison
15 Conference, the Imperial Conference, and the Confer-
16 ence of the Privy Council as secretary or explainer,
17 but automatically, from duty, without any special
18 intent. If any reasons were to be forcibly sought, the
19 only reason would be that I was the Chief of the
20 Military Affairs Bureau. Whoever assumed the post of
21 the Chief of the Military Affairs Bureau, had to at-
22 tend these conferences. I never took part in the
23 discussions, and, of course, I was not to sign any
24 decisions reached there.

25 "13. Exhibit No. 2243 presented by the

1 International Prosecution Section is an excerpt from
2 the articles which reported the address delivered by
3 me in the Committee of Accounts of the Diet on March
4 20, 1940. It is, however, quite different from what
5 I said. First of all, its title was quite different
6 from its contents, and so I will give an account of
7 the circumstances at the time.

8 "The Committee of Accounts consisted of ten
9 members. The Chief of the Accountant's Bureau was
10 accustomed to take charge of its explanation, but
11 one of those members called for the Minister's
12 attendance. When they were informed that the War
13 Minister had just attended the Committee of Budgets,
14 it was said that it was quite enough if the Chief of
15 the Military Affairs Bureau would attend in his stead.
16 For this reason, I attended the committee.

17 "As Mr. HAMAJI, a member of the Diet, de-
18 livered an eloquent address from a draft he had pre-
19 pared, I made a reply.

20 "The prosecutors charged that my answer
21 showed disapproval of political parties, denial of
22 liberalism and insistence on totalitarianism.

23 "I was of the opinion that, as can be seen
24 in the shorthand records of proceedings (Defense
25 document #2734), political parties, officials and

1 professional officers should go shoulder to shoulder,
2 thus to tide over the national crisis. Far from
3 opposing political parties, I was earnestly hoping
4 for their sound development.

5 "What Mr. HAMAJI said then was that we should
6 adopt 'totalitarianism.' On the contrary, I replied
7 that totalitarianism indeed prevailed over Europe, but
8 we Japanese should be based on the idea of national
9 polity or national constitution proper to this country.
10 I stated that, though my ignorance prevented me from
11 expressing it accurately, the term 'kokutaishugi,'
12 that is, the principle of Japanese national constitu-
13 tion or national policy, would in all probability hold
14 good in this country.

15 "In regard to the denial of liberalism, I
16 replied that inasmuch as the erroneous liberalism
17 based on the selfish individualism should be done
18 away with at a time when our nation was confronted with
19 a crisis, we should not strive for our own interests
20 so much as for the advantages of our country.

21 "In addition to this, though Mr. HAMAJI
22 bluntly criticized officials, the military, and the
23 political parties, I replied that what must be reformed
24 on due reflection must be reformed, adding that as we
25 had willingness to introspect regarding reforms, what

1 was worthwhile to reform among the Army's attitudes,
2 we wished them to speak out whatever fault it might
3 be. In response to my answer as mentioned above, he
4 expressed gratitude, stating that he was much de-
5 lighted to find plainly these opinions on the part of
6 the Army.

7 "14. I engaged myself under instruction of
8 the War Minister, on routine work in the Japanese-
9 American negotiations. I deemed it necessary to lead
10 the United States-Japanese negotiations to a success-
11 ful conclusion; the reason had a close bearing on the
12 fact that I inferred that the Japanese people, who had
13 been called upon to tighten their belts ever since the
14 Manchurian Incident, were fed up with the China Inci-
15 dent.

16 "Japan was impatient for a speedy winding up
17 of the incident, but to our great regret, we found the
18 joint assistance given by the U.S.A. and Great Britain
19 to the Chungking regime had prevented us from doing
20 so. If matters should be left to take their own course,
21 Japan had no other way but to be faced with a grave
22 crisis. If, however, the United States-Japanese
23 negotiations should be brought to a successful con-
24 clusion, to the contrary, the relations among Japan,
25 Britain and the United States would not only be

1 adjusted, but what is still better, the China Incident
2 would come to a settlement; (thus, Japan would be
3 saved).

4 "The possibility of a successful conclusion
5 of the negotiations sometimes changed for better or
6 for worse, but nonetheless we cherished a gleam of
7 hope until the end of November, 1941.

8 "The Army's opinion regarding the Japanese-
9 American negotiations was framed by mutual agreement
10 between the War Minister and the Chief of the General
11 Staff. The decision was not, therefore, solely at the
12 hand of the War Minister. It was because of the pecu-
13 liarity of the structure of the Army. In other words,
14 when the Army disclosed its views on foreign policies,
15 it did so from the angle of national defense and
16 military tactics. The General Staff Office studied and
17 made plans on the basis of the international news and
18 information collected by them. The War Minister,
19 having no such international intelligence organs,
20 made his arguments chiefly from the angles of home
21 politics, budget and materials. Only when the views
22 of both sides were in agreement, was the opinion
23 regarded as the foreign policy of the Army.

24 "Concerning the problems which happened
25 during the course of the negotiations, the General

1 Staff and the War Minister often disagreed.

2 "The liaison business between the War
3 Ministry and the Foreign Office was done through the
4 Chief of the Military Affairs Bureau and the Chief
5 of the American Section of the Foreign Office. On
6 that occasion, if the War Ministry's opinion was at
7 divergence with that of the Foreign Office and the
8 Naval Ministry, we used to study the opinion of the
9 Army again from the beginning. Not a few times I
10 made concessions within the scope of my duties on
11 the occasions of conferences with the Naval Ministry
12 and the Foreign Office. Especially about August 1941,
13 when Japan made concessions one by one to America, I
14 think I made such concessions. War Minister TOJO
15 never reprimanded me for these compromises, although
16 I was reprimanded sometimes by Minister TOJO on other
17 matters, while I was always protested to by the
18 General Staff. It was not rare that I was summoned to
19 the General Staff Office and was required to make ex-
20 planations. During the reverses and vicissitudes of
21 the United States-Japan negotiations, public opinion
22 became very strong; and some persons, including
23 myself, were in danger of assassination. It was at
24 this time that I was given a special military police
25 guard, as was testified by TANAKA, Ryukichi.

1 "15. On October 12, 1941, at KONOYE's resi-
2 dence in Ogikubo, a discussion was held concerning
3 the prospect of the Japan-American Conference by
4 the Prime Minister, War Minister, Navy Minister,
5 Foreign Minister, etc. I knew the fact on the fol-
6 lowing day. When the same problem was again discus-
7 sed at the Cabinet Conference on 14 October, Minister
8 TOJO had contended he would not make any bit of con-
9 cession concerning the problem of military occupa-
10 tion of China in the Japan-American Conference;
11 that is to say, the decision of the Council in the
12 presence of the Emperor on 6 September could not be
13 altered, which caused a headlong collision between
14 TOJO and Premier KONOYE as well as Foreign Minister
15 TOYODA. And so the resignation of the Cabinet en
16 bloc was said to be probable. I also learned that
17 Naval Minister OIKAWA had expressed his desire to
18 leave all the matters in the hands of the Premier.
19 I lost no time in getting in touch with the General
20 Staff Office and made a query as follows: The Naval
21 Minister's proposal of leaving the matters all in
22 the hand of the Premier might be interpreted as the
23 Naval Ministry's evasion of opening hostilities, hav-
24 ing altered the September decision. Whether the Army
25 should also have to alter its attitude, considering

1 the Navy's main part to be played in the war against
2 America, the answer given by the General Staff Of-
3 fice was that it would not change its attitude, as
4 the Naval Staff Office was not inclined to change
5 the September 6 decision any more than ever.

6 "At this, I guessed that the issue was the
7 divergence of opinion between the Government and the
8 Supreme Command, and if so, the question would re-
9 main as ever unsettled, even if the KONOYE Cabinet
10 should resign en bloc. So long as the question lies
11 there, it could not be settled, no matter how often
12 the Cabinet should be changed. Premier KONOYE
13 should assume the responsibility of solving the
14 problem by himself rather than resigning. To this
15 end, it was necessary for the Naval Minister to
16 disclose his real intention. Thus, War Minister
17 TOJO would be able to obtain the understanding of
18 the General Staff Office. These were my thoughts
19 at that moment. Then I called on Chief Secretary
20 TOJITA in the afternoon of the 14th of the same
21 month and told him my views as stated above, for
22 half an hour, desiring his tactful handling of the
23 matter. But the attempt to get the Naval Ministry to
24 express their wish against war proved unsuccessful
25 after all. This was immediately reported to War

1 Minister TOJO.

2 "16. According to the testimony of Lieut-
3 enant General TANAKA, Shinichi, the operations plan
4 which the General Staff maps out cannot be determined
5 without the consent of the War Minister. It might
6 be so interpreted, but really it is not so. As a
7 matter of fact, the operations plan is the most
8 important duty of the General Staff, and the War
9 Minister cannot interfere with the plan itself. Only
10 it is a question whether or not the War Minister can
11 provide the personnel, materials and money necessary
12 for making the plan practical. If the War Minister
13 cannot guarantee the execution of their request, the
14 General Staff makes new plans so far as the War
15 Minister can give his assurance. The operations plan
16 is, naturally, apt to be an idealistic one, so that
17 it is quite usual that the personnel and materials
18 it requires should be so big that the War Minister
19 cannot meet the original plan.

21 "General TANAKA, Shinichi, also testified
22 that the War Minister, War Vice Minister and Direct-
23 ors of Bureaus signed the order which the Chief of
24 the General Staff issued to the front line units to
25 be prepared for war. The Chief of the General Staff
has the authority to give order to front line units

1 to be prepared for war, but from the viewpoint of
2 diplomacy and supply of material, it is necessary to
3 inform that fact to the War Ministry. In order to
4 speed up the procedure, therefore, it was the rule to
5 send up a draft of telegram to the War Ministry to
6 obtain signatures of the officers concerned. Gen-
7 eral TANAKA testified to this fact. But whether the
8 signature and seal of the Military Affairs Bureau
9 Chief is on it has no decisive meaning, as TANAKA's
10 testimony shows.

11 "17. The Conference of Directors of Bureaus
12 is a meeting in the War Ministry, in which each
13 Director reports to the Minister and Vice Minister
14 the present state of business in his charge and
15 makes it known to the others, thus to smooth the
16 liaison of business. In order to get the Minister's
17 sanction on some matters, it was the general rule
18 that a Director of Bureau should, at first, obtain
19 approval of the Vice Minister and then present
20 them to the Minister for his sanction. But there
21 were some cases where the Minister orally passed
22 decision on some matters at the aforesaid Conference,
23 and in such cases it was the rule to submit documents
24 afterwards for formal sanction.

25 "Since August, 1941 I sometimes reported

1 the progress of Japanese-American negotiations at
2 the Conference. However, at the Conference I only
3 reported what had been determined in the Liaison
4 Conference or in the Conference in the Imperial
5 presence, and never have I stated my own opinion.
6 It was testified by TANAKA, Ryukichi, that at the
7 Directors' Conference about November 29, 1941, I had
8 expressed my opinion about the interruption of the
9 U.S.-Japan negotiations after the receipt of the
10 Hull note on 26 November. I deny it absolutely.

11 "18. TANAKA testified that the control of
12 newspapers was one of the functions of the Informa-
13 tion Section of the Bureau of Military Affairs, but
14 this is not correct. The Information Section be-
15 longed to the Imperial Headquarters, and the Bureau
16 of Military Affairs merely took charge of editing
17 the 'Tsuwanono,' a weekly for the Army, and the
18 supervision of compiling occasional pamphlets. The
19 information Section came into being after the Imper-
20 ial Headquarters was established in December, 1937;
21 and it was made to belong to the Headquarters, and
22 so it was not under the Chief of the Bureau of Mili-
23 tary Affairs. In the Ministry of War, however, the
24 Intelligence Division was still left, though reduced.
25 As the building of the Imperial Headquarters, the

1 General Staff Office, was small, the above-mentioned
2 Information Section of the Imperial Headquarters was
3 located in the building of the Ministry of War, to-
4 gether with the Intelligence Division of the Ministry
5 of War. Perhaps this misled TANAKA to the aforesaid
6 statement. Moreover, soon after the second KONOYE
7 Cabinet was organized, all the censorship and con-
8 trol of the newspapers and magazines relating to the
9 Army, of which the Intelligence Division of the
10 Ministry of War had been taking charge, came to be
11 administered in the Bureau of Intelligence of the
12 Cabinet. Announcement of the situations of war from
13 time to time and the propaganda towards the enemy
14 were the functions of the Information Section of
15 the Imperial Headquarters.

16 "As I stated above, the Chief of the Infor-
17 mation Section of the Imperial Headquarters was not
18 at all controlled as such by the Chief of the Bureau
19 of Military Affairs, but as to editing the 'Tsuwa-
20 mono,' above-mentioned military weekly, and compila-
21 tion of the pamphlets, explaining the current topics
22 for the use of military education, he was under the
23 Chief of the Bureau of Military Affairs, as the
24 Chief of the Intelligence Division of the Ministry
25 of War.

1 "19. TANAKA, Ryukichi, former Chief of
2 the Military Service Bureau, testified that when I
3 sat with him at a luncheon or a banquet, I talked
4 with him about international problems. But at such
5 a meeting I was never inclined to take up a serious
6 problem and discuss it. I never talked seriously
7 with him on any occasion about such problems; much
8 less did I say that Japan, under the conclusion of
9 the Tripartite Alliance, must establish a new order
10 in East Asia in concert with the attempt of Germany
11 and Italy to build up a new order in Europe. In this
12 connection, TANAKA himself admitted in this Court that
13 he had not heard anything about it from me.

14 "He, however, testified that in the Military
15 Affairs Bureau there had existed a consistent view
16 or policy favoring the Tripartite Alliance since
17 the ABE Cabinet, and that he was aware of it by
18 taking a side-view as Chief of the Bureau or the
19 Section of Military Service. (But TANAKA could not
20 show on what grounds he came to such a conclusion.)
21 I entirely deny his statement. It was in the middle
22 of October, 1939, that is, at the time of the ABE
23 Cabinet, that I took office as Chief of the Military
24 Bureau. What I then learned was that at the time
25 of the HIRANUMA Cabinet, before the ABE Cabinet, the

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1 Army hoped for the conclusion of the tripartite Al-
2 liance between Japan, Germany and Italy and made an
3 effort to materialize it, but it resulted in failure
4 owing to the non-aggression pact concluded between
5 Germany and the Soviet Union. Japan's feeling at
6 that time was that she had been deceived by Germany
7 and that such upstarts as Hitler and Mussolini could
8 not be trusted. I am one of those who thought so.
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1 "My opinion regarding Germany and Italy was
2 that the national strength of those states was not as
3 strong as was propagated; (that Hitler was but a
4 first-grade private in the First World War and
5 Mussolini was then a sergeant); that whatever a bold
6 attempt they might make, and even if they should fail
7 in it, they could be satisfied with it, as it could
8 make them heroes of the age, while such was not
9 applicable to the Japanese statesmen; and that if
10 once they failed, they would spoil the glory of a
11 national polity having a history of three thousand
12 years; and that for this reason, it was dangerous for
13 Japan to conclude an alliance with Hitler and Mussolini.
14 Whenever I talked with advocates for concluding the
15 Tripartite Alliance, I told them the above-mentioned
16 opinion of mine. Once, when I told it to a German
17 aviation officer, Colonel Groner, he nodded with a
18 smile, for he was not a member of the Nazi Party.

19 "September 1939 war broke out between Britain
20 and Germany. In the latter part of May of the next
21 year, Germany won the victory of Dunkirk by so-called
22 lightning operations. At that time it was generally
23 believed among the Japanese that Germany would get the
24 final victory. Again prevailed the advocacy among
25 such people for concluding the Tripartite Alliance.

1 But I predicted that the war between Britain and
2 Germany would prove to be a protracted one, so I
3 doubted that Germany would get the final victory.
4 There were many reasons for it. Speaking first of
5 Germany, the following reasons could be mentioned:
6 that the German air force was not as sufficient as
7 was propagated; that Germany had not preparations
8 enough to cross the Strait; that her naval force was
9 inferior to that of Great Britain. As for Britain,
10 there were the following factors: Britain's naval
11 strength was overwhelmingly superior to that of
12 Germany; according to reports of Lieutenant General
13 TATSUMI, the British people held a rather calm
14 attitude; Premier Churchill frankly admitted Britain's
15 'Defeat at Dunkirk'; the United States would give her
16 positive help to Britain. Summing up these points,
17 the conclusion I came to was that the advance of the
18 German forces would come to a stop on the coastline,
19 and while they remained there, Britain would find time
20 enough to make a rally; in the long run, Hitler would
21 come to fail in conquering Britain, just as Napoleon
22 had failed. On this point, I frequently talked with
23 Colonel IWAKURO, Chief of the War Affairs Section.
24 He, I think, is well aware of this talk of mine.
25

1 "20. TANAKA, Ryukichi, testified that the
2 resignation en bloc of the YONAI Cabinet was due to
3 the fact that HATA, Minister of War, offered a pro-
4 posal regarding the conclusion of the Tripartite
5 Alliance (which TANAKA said was supported by the
6 Military Affairs Bureau) but it did not come to a
7 unanimous agreement, so that HATA resigned. It was,
8 however, quite wrong. There was no request during
9 HATA's tenure of office that the government conclude
10 the Tripartite Alliance. The YONAI Cabinet adopted
11 a policy not to intervene in the European War, and
12 HATA, Minister of War, also supported it. Then, why
13 did HATA tender his resignation which caused the
14 YONAI Cabinet to resign en bloc? That was due to
15 the following circumstance: At that time, the General
16 Staff was so eager for settling the China Affair as
17 soon as possible that it offered a proposal to have
18 Germany intervene between us, and further urged the
19 War Minister to solidify the national structure in
20 order to cope with any possible situation in world
21 events. To these demands of the General Staff, the
22 YONAI Cabinet did not return any earnest response.
23 Prince KONOYE, who at that time resigned his position
24 as President of the Privy Council, started a new party
25 movement with a view to improving internal affairs.

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"The enhanced YONAI Cabinet became all the more unpopular with the public. Just at that time, for about ten days between the latter part of June 1940 and the beginning of July of that year, I was away from the War Ministry because I served on a reception committee for the Manchukuo Emperor. Then I came back to the Ministry, when I saw official correspondence sent to the War Minister from the Chief of the General Staff, to the effect that a proper step should be taken to tide over the emergency. It was an expression of a very strong intention that such a form was used in dealing with those matters.

"HATA, Minister of War, was very anxious to solve the matter as mentioned above, but it did not go as expected, and he was placed in a delicate position between the General Staff Office and the Government, and at last was obliged to resign. As far as I knew, his resignation was not at all due to disagreement regarding the conclusion of the Tripartite Alliance.

"21. Interviews with foreign military attaches was one of the duties of the Military Affairs Bureau. Hence, I frequently received a call from them. As for the talk that is indicated in exhibit No. 523, it is, I suppose, what I talked about when

1 I received a call from the German military attache;
2 because I never called foreign military attaches
3 myself to come to the Ministry. When I see the date
4 regarding the matter in the exhibit it proves to be
5 the latter part of June 1940. That was just the time
6 when there was an opinion that Japan should ask Ger-
7 many to intervene in settling the China Affair. So
8 I assume that the talk must have referred to that
9 matter, sounding the German attitude. The words
10 'Japan has interests in French Indo-China problems'
11 probably, I am convinced, concerned the fact that
12 at that time both governments of Japan and France had
13 come to a mutual understanding regarding a ban on
14 transportation of materials to the Chungking Regime
15 and that the Inspection Corps started for French Indo-
16 China under Major General NISHIHARA. This was not my
17 personal opinion, but a description of what was then
18 really going on.

19 "22. At the time when TOJO entered the
20 KONOYE Cabinet as Minister of War, the Army had the
21 following opinions about diplomacy: The main object
22 of diplomacy should be the settling of the China
23 Affair; as for the other diplomatic problems, elastic
24 constructive diplomacy should be carried on with a
25 view to attaining that object. That was as was shown

1 in the political program of the KONOYE Cabinet. There-
2 fore, the diplomatic policy was not so limited as to
3 require a conclusion of the Tripartite Alliance. Then
4 why was the Tripartite Alliance so rapidly concluded
5 in September, shortly after the KONOYE Cabinet had
6 been formed in July? It was entirely due to the
7 fact that Foreign Minister MATSUOKA took such an ac-
8 tive part. MATSUOKA, Foreign Minister, with a great
9 confidence in his capacity of diplomacy, carried out
10 a drastic reform of his ministry and pushed himself
11 forward on his belief, without giving ear to any
12 other person's opinion. It was also due to his sole
13 activity that the Tripartite Alliance was so rapidly
14 concluded. I had no knowledge of the significance
15 of the pact until I heard the Chief of the Treaty
16 Bureau explain the text of the Tripartite Pact at
17 the Inquiry Commission of the Privy Council. In this
18 court I first learned that I had been suggested for
19 an order by German Ambassador Ott to the German Gov-
20 ernment for the reason that I endeavored for good
21 relations between Japan and Germany. The date of
22 the telegram from Ambassador Ott regarding the decor-
23 ation was the middle of May 1942 after I left my posi-
24 tion as Chief of the Military Affairs Bureau. According
25 to international usages, this kind of affair was

1 practiced by a mutual exchange of proposals. There-
2 fore, Germany, I believe, was informed of my name by
3 the War Ministry for the reason that I had been at
4 that time Chief of the Military Affairs Bureau. But
5 as I mentioned above, I have never seen the decoration
6 that may have been granted to me.

7 "23. From October 1939 to April 1942 I held
8 the position of Chief of the Military Affairs Bureau.
9 For about one year and eight months of that period
10 (from July 1940 to April 1942), I was under TOJO,
11 Minister of War. In response to the inquiry of the
12 prosecution, I was interpreted as if I answered to
13 the effect that the War Minister came to my office to
14 ask my opinion. This is a big misinterpretation. A
15 minister never came to a director's office.

16 "I could express my opinion to General TOJO
17 in his capacity as War Minister, but I was not allowed
18 to do that to General TOJO in his capacity as Prime
19 Minister. He drew a clear line between the function
20 of the Prime Minister and that of the Minister of
21 War. Therefore, as far as the function of the Prime
22 Minister was concerned, he did not adopt any opinion
23 of the staff of the War Ministry.

24 "It seems to have been contended by the prose-
25 cution that in case of disagreeing with the Minister

1 of War, I could resign my position (in reply to
2 the defense motion to dismiss). It was, however,
3 prohibited for the Japanese military to resign or
4 leave the service for the reason of their disagreeing
5 with their superiors.

6 "Only in case of illness were they permitted
7 to do so. TANAKA, Ryukichi, testified in this court
8 that he knew someone who had resigned his position
9 as Chief of the Military Affairs Bureau for such
10 a reason as is mentioned above. I wonder whom on
11 earth he mentioned by saying so. I also know that
12 there was an instance in which someone did not fol-
13 low the order of the War Minister, and the Army author-
14 ities transferred him with a disciplinary object.
15 It was, however, the worst instance. As a matter of
16 military discipline it was not to be excused. As
17 for transfer, while I served as Chief of the Military
18 Affairs Bureau, soon after TOJO took office as Minister
19 of War, I frequently asked the Chief of the Personnel
20 Bureau to transfer me. In the latter part of October
21 1941, after the TOJO Cabinet was formed, I expressed
22 my desire for transfer at a meeting attended by the
23 Minister of War, Vice-Minister of War and the Chief
24 of the Personnel Bureau. But every time it was not
25 adopted.

1 "24. TANAKA, Ryukichi, spoke of me as a
2 statesman. But it was a sarcasm peculiar to him.
3 He once rebuked me, saying that I was too business-
4 like. My personal history shows clearly that I had
5 never made a study of politics and diplomacy and had
6 no experience in those affairs until I took office as
7 Chief of the Military Affairs Bureau. But after having
8 the position I made, as a matter of duty, a study
9 of political and diplomatic problems which came up.
10 My views were sometimes adopted by the Minister and
11 sometimes not. TANAKA testified that General TOJO
12 had scarcely any sense of politics and diplomacy and
13 no experience in those affairs, so he adopted my opin-
14 ion about them. This was his dogmatic opinion, con-
15 trary to the fact. TANAKA once served in China and
16 held the position of Chief of the Military Intelli-
17 gence Organ there, but he overestimated his exper-
18 ience and regards himself as if he had a sense and
19 experience about politics and diplomacy. I felt quite
20 disgusted to hear his speaking from such a viewpoint
21 of General TOJO before some civilians. He was quite
22 wrong in his criticism of General TOJO. Needless to
23 say, General TOJO, being a military man, had no po-
24 litical experience. But he was such a hard worker
25 that he studied anything concerning politics and

1 formed his opinion about it. He was not in the least
2 a person who would blindly obey such an opinion as
3 mine. This can be easily seen from the fact that for
4 more than two years after I was transferred he steered
5 through difficult political situations as Prime Minister.
6 It was at the busiest time after the outbreak of
7 the Pacific War that I was transferred.

8 "25. TANAKA, Ryukichi also testified that he
9 opposed himself to the political intervention of military
10 men, especially of the Military Affairs Bureau.
11 TANAKA added that the political intervention of military
12 men was prohibited by the Japanese Constitution.
13 First of all, he was wrong in his statement that it
14 was proscribed in the Constitution. The Constitution
15 contains no such provision. Speaking of legal basis
16 for it, they are as follows: Military men in active
17 service have no franchise nor eligibility for election;
18 Military Criminal Law restricts the freedom of
19 political speech and association of military men in
20 active service; the Imperial Rescript granted by the
21 Emperor MEIJI to military and naval men in 1882 admonishes
22 that military men should perform their duties
23 without intervening in politics. (The last Imperial
24 Rescript was what the Emperor MEIJI granted to military
25 and naval men in order to admonish them because

1 those who participated in the Meiji Restoration were
2 agitated owing to a political trend.) Military men
3 should, as is mentioned above, not intervene in poli-
4 tics. However, the War Minister can and must take
5 part in politics. It is because the War Minister has
6 the power to attend the Cabinet Conference as a Min-
7 ister of State, and is actually thus a statesman.
8 However, the War Minister must carry out the matters
9 decided upon by the Cabinet Conference. For this
10 purpose it is necessary to have a political affair
11 machinery. The Military Affairs Bureau is the very
12 machinery which deals with these political affairs. The
13 function of the Military Affairs Bureau consists in
14 carrying on such political affairs and not in poli-
15 tics itself. If the bureau was not allowed to carry
16 on such political affairs, the War Minister as poli-
17 tician would prove to be functionless. For this
18 reason the organization of the War Ministry, (exhibit No.
19 74), indicates clearly that liaison business with the
20 Diet is one of the duties of the Military Affairs Sec-
21 tion of the Military Affairs Bureau.

22 "On this point I was never protested to by
23 TANAKA, Chief of the Military Service Bureau. Whereas,
24 I was quite surprised to hear his making a self-
25 righteous statement in this court about military men's

1 intervention in politics. Contrary to his testimony,
2 I remember that he made so many speeches and actions
3 regarding politics, which did not belong to his duties
4 as Chief of the Military Service Bureau, that I ad-
5 vised him to abstain from doing them. He was not
6 only my former subordinate but also a friend of mine,
7 so I gave him advice (without deliberate considera-
8 tion) but it was in vain. Soon after that a rumor
9 prevailed among the public that MUTO and TANAKA had
10 had a quarrel, so that I was greatly annoyed. It is
11 true that about 1941 I objected to his attending the
12 Diet in session as a Government Commissioner. That
13 was due to the following reason: In the War Ministry
14 explanations and replies in the Diet were prepared
15 beforehand and approved by the War Minister so that
16 there might not be any inconsistency or misunderstand-
17 ing in replies to interpellations. That was the same
18 in every ministry. But TANAKA would have a bold
19 utterance of his own accord. This might have amused
20 the members of the Diet and made the newspapers lively,
21 but it was the Military Affairs Bureau that was an-
22 noyed by facing a protest against it from other min-
23 istries and the General Staff.

24 "26. On December 8, 1941, when the Pacific
25 War broke out, TOJO, Minister of War, delivered an

1 address to all the staff of the War Ministry. Just
2 before TOJO's delivering the address, TANAKA, Chief
3 of the Military Service Bureau, came up to me and
4 said 'With this war, TOJO has become a hero.' 'If
5 Japan should be defeated,' I retorted, 'Japan's
6 national polity would be changed. Consequently, far
7 from being called "hero," TOJO might be blamed for
8 "high treason."' However, I remember I deeply re-
9 gretted that I had told him that the national polity
10 might be changed if Japan was defeated. In this con-
11 nection I remember also that on that day, or the fol-
12 lowing day, TOMINAGA, Chief of Personnel Bureau, told
13 me, 'What a man TANAKA is to tell me that TOJO will
14 become a hero! I accused TANAKA of his imprudence
15 in such a serious affair of our state, as if it were
16 a personal problem of TOJO's.' But he testified in
17 this court that I myself had said so, whereas, accord-
18 ing to TANAKA's testimony in the court, the utterances
19 of TANAKA and myself were contrariwise stated. I
20 cannot understand his motive.

21 "27. Furthermore, TANAKA, Ryukichi, testi-
22 fied that about the 9th of December 1941 when I talked
23 with the chiefs of other bureaus at a luncheon about
24 the progress of negotiations between Japan and America,
25 I said that the visit of Ambassador KURUSU to America

1 and the sending of the Tatsuta Maru had been a sort
2 of camouflage before the war. There is no reason I
3 have said such a thing. I absolutely did not say that.
4 As for the visit of Ambassador KURUSU to America, I
5 also heard it had been suggested as a step sincerely
6 taken for Japan-American negotiations by Foreign Min-
7 ister TOGO at the request of Ambassador NOMURA and had
8 been decided upon after his consultation with TOJO,
9 Prime Minister, as was testified in this Tribunal.
10 Regarding the sending of the Tatsuta Maru, however,
11 it had no connection with the War Minister, and I
12 knew nothing about the details of its despatch.
13 Since the war broke out there prevailed mysterious
14 stories or rumors considered true among the general
15 public. I believe the matters regarding Ambassador
16 KURUSU and the Tatsuta Maru might have been among them.
17 I am sure TANAKA testified, connecting of his own
18 accord, matters regarding myself with those rumors.

19 "28. The prosecution's deposition of exhibit
20 No. 2240 indicates that I answered that I had made a
21 draft of the Imperial Rescript regarding the declara-
22 tion of war together with HOSHINO, Chief Secretary,
23 and OKA, Chief of the Military Affairs Bureau of the
24 Navy. That was a mistake. The fact was that I and
25 OKA only offered reference materials for the Rescript

1 to HOSHINO, Chief Secretary. Such an Imperial Rescript
2 was, as a principle, to be prepared in the cabinet. The
3 cabinet made a draft of it.

4 "29. In the Japanese Government the general
5 control of war prisoners was under the charge of the
6 War Minister, and collateral matters as to war pris-
7 oners, such as free transportation by rail, free mail
8 service and free exchange service, were under the
9 charge of the respective ministers concerned. It did
10 not mean, however, that war prisoners came under the
11 control of the Minister of War as soon as they were
12 delivered to the Japanese Army. At first the Commander
13 of the Army or Navy who took war prisoners in the front
14 should examine them, make a list of the war prisoners
15 and report them to the Imperial Headquarters. Then
16 the Imperial Headquarters should report them to the
17 Minister of War, who should show in turn the location
18 and capacity of the proper camp to Imperial Headquarters.
19 The Imperial Headquarters should arrange for the trans-
20 port of the war prisoners to the camp indicated by the
21 War Minister. War prisoners would be under the charge
22 of the War Minister for the first time when this trans-
23 portation was completed.
24

25 "In the past wars the Minister of War had
the War Prisoners' Intelligence Bureau and the War

1 Prisoners' Camps as the organs for controlling war
2 prisoners. In the Great East Asia War, however, the
3 War Prisoners' Administration Department was newly
4 organized in the Ministry of War. The reason why
5 the War Prisoners' Control Department was created
6 this time was due to the following facts: In past
7 wars, namely, the Russo-Japanese War and World War I,
8 the business concerning war prisoners was comparatively
9 simple, as the battlefields were limited to either
10 Manchuria or Tsingtao, and the number of war prisoners
11 was few; so that the competent bureaus of the War Min-
12 istry, with the War Prisoners' Intelligence Bureau as
13 the nucleus, were sufficient to transact the business.
14 In the Pacific War, however, the business became com-
15 plicated as the battlefield was wide and prisoners
16 scattered over a wide area -- the said department was
17 created for the sake of unifying the business.

1 "The organization of the War Prisoners'
2 Intelligence Bureau and the War Prisoners' Camp Ordinance
3 were promulgated by Imperial Orders toward the end of
4 December of 1941. But the War Prisoners' Control De-
5 partment was established by the order of the War
6 Minister toward the end of March 1942. These regula-
7 tions were drawn up at the Military Affairs Bureau to
8 which I was then attached. However, the order of
9 establishing the War Prisoners' Control Department was
10 issued during my absence from duty, owing to my journey
11 by order to the southern area. I was informed of it
12 later.

13 "I served as the Director of the Military
14 Affairs Bureau until April of 1942, when any plan for
15 taking in war prisoners was not yet laid. It was because
16 there was no authentic report from the Imperial Head-
17 quarters; the questions whether it was right to trans-
18 port the war prisoners taken in the southern tropics to
19 the north in a cold season, whether there were any places
20 and buildings suitable for the war prisoners' camps,
21 etc. being under investigation. So it was not yet
22 decided on at that time. The Shanghai and Zenzuji
23 Camps were urgently set up, as the war prisoners taken
24 by the navy forces were transported by boats.

25 "As for the war prisoners' labour, no study had

1 been made at all at that time. I have no recollection
2 that there was any protest at all regarding the treat-
3 ment of POW from any foreign countries during my tenure
4 as director.

5 "30. As to some exhibits. --

6 "(1) Exhibit No. 2246 states that there were
7 explanations of the international situation at the
8 informal meeting of the war councillors on July 1, 1941.
9 But I was absent from that meeting, because I was sick
10 in bed.

11 "(2) I have never read the report of investi-
12 gation made by the Provost Marshal concerning the air-
13 men who had made an air raid on Japan on May 23, 1942,
14 which is stated in Exhibit No. 2245." May I say that
15 the date there should be 18 April 1942. "I was then no
16 longer the Chief of the Bureau of Military Affairs, and,
17 because I was not in Tokyo, it was not possible for me
18 to read that report.

19 "(3) Exhibit No. 2247: I was in Sumatra at
20 the time when the ceremony of awarding decorations was
21 held in the German Embassy on October 1, 1942. And I
22 have never had decorations from the German Ambassador.

23 "(4) Exhibit No. 476 includes a secret diary
24 of the Imperial Headquarters concerning the incident of
25 Singapore from February to March in 1942. But I have

1 been made at all at that time. I have no recollection
2 that there was any protest at all regarding the treat-
3 ment of POW from any foreign countries during my tenure
4 as director.

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20 the time when the ceremony of awarding decorations was
21 held in the German Embassy on October 1, 1942. And I
22 have never had decorations from the German Ambassador.

23 "(4) Exhibit No. 476 includes a secret diary
24 of the Imperial Headquarters concerning the incident of
25 Singapore from February to March in 1942. But I have

1 never seen such a document. As a matter of fact, an
2 attendant of the Minister of War was not given a seat
3 in the Imperial Headquarters. And also the secret
4 diary of the Imperial Headquarters was not to be seen
5 by an attendant of the Minister of War.

6 "31. Regarding the treatment of war captives
7 in China, the prosecutor produced my interrogation as
8 evidence. The contents of that document were true. In
9 October 1939, when I took charge as Director of the
10 Military Affairs Bureau, it was already two years and
11 three months after the outbreak of hostilities between
12 Japan and China. During this period the captives in
13 China were not treated as prisoners of war, and were there-
14 fore treated in a special way. Even the War Prisoners'
15 Intelligence Bureau was not in existence. The Chinese
16 operated on the same basis or theory as the Japanese
17 did in regard to captives. Even after that time the
18 Japanese Government never declared war, nor did she
19 declare the existence of hostilities; hence, the treat-
20 ment of war captives was carried on as it had been before.
21 Accordingly, the war captives were never within the
22 jurisdiction of the War Minister, and hence the Director
23 of the Military Affairs Bureau had nothing to do with
24 them. Further, I was never ordered to make a study of
25 this matter by my superior officers.

1 "32. I was ordered by the War Minister to go
2 to the Southern Area of operations to observe the state
3 of affairs there, scheduled for three weeks from about
4 March 20, 1942. I made a tour of Formosa, Saigon,
5 Bangkok, Rangoon, Singapore, Palembang, Java, Manila, etc.
6 to learn of the conditions. I returned to Tokyo on
7 April 12. When I arrived at the War Ministry about noon,
8 Director of the Personnel Bureau TOMINAGA told me that
9 there was the decision that I was transferred to be the
10 Commander of the Imperial Guard Division stationed at
11 Sumatra.

12 "I was actually appointed the Commander of the
13 Imperial Guard Division on April 20 and to the date of
14 my departure in preparing for the departure I did no
15 work as Director of the Military Affairs Bureau. I
16 arrived at Medan on May 11 and placed the division under
17 my command. In my 30 years life as a soldier, it was
18 the first time that I ever had a responsible post with
19 a certain decisive power, whereas the period ended when
20 I was dispensed with from the duty of division commander
21 in 1944.

22 "33. My duty in Sumatra was to take charge of
23 the defence of Northern Sumatra in accordance with the
24 order from the 25th Army Commander. I took command of
25 the Imperial Guard Division, of which one infantry

1 regiment among three had been detached in Malaya as under
2 the direct command of the 25th Army Commander.

3 "As regards the military administration in this
4 district, the organ under the direct control of the
5 Commander, stationed at every province of Sumatra, was
6 in charge of it. Between the military administration
7 and the defence -- which was my duty -- a clear line was
8 drawn.

9 "Secondly, as for the control of war prisoners
10 and internees, the control of war prisoners had been,
11 when I arrived there, handed over to the Commander and
12 was under the charge of the officer despatched by the
13 Commander. The ordinary enemy aliens were interned by
14 the military administration organs. It was, accordingly,
15 no part of my duty to superintend the affairs concerning
16 war prisoners and internees. The growing activity of
17 the British forces on the Indian Ocean reduced my area
18 of defence into Patanori Province, East Coast Province,
19 and Achie Province in the northern end of Sumatra after
20 April 1943, and afterwards into Achie Province and East
21 Coast Province from the beginning of 1944.

22 "While I was in office in Sumatra, there were
23 no hostilities and, accordingly, no war prisoners taken.

24 "I never employed war prisoners for labour.
25 Within my area of defence, however, there were many

1 forces beyond my command, such as air units, oil-drilling
2 corps, shipping corps, supply corps under direct control
3 of the 25th Army Commander, naval forces, etc. Certain
4 corps among them were employing war prisoners for labour.

5 "It was not my duty to defend the camps of either
6 war prisoners or internees. My duty was general defence
7 of Northern Sumatra, without including special defence,
8 namely immediate guard of the war prisoners' camps and
9 many supply warehouses, etc.

10 "34. As for troubles with native inhabitants,
11 though I received reports from regimental chiefs on
12 punishment of my subordinate soldiers, all of these
13 related to the cases inside my army. I remember, as an
14 only case having anything to do with native inhabitants,
15 there was a love affair between a certain first-grade
16 private and a native girl. After my arrival at my
17 post, I ordered everyone, including myself, attached
18 to the Imperial Guard Division, to put a mark, red
19 cherry-blossoms on a white patch, on the left breast,
20 so even native inhabitants could recognize at a glance
21 anyone of the Imperial Guard Division. They called us
22 the 'Cherry Corps'. Even with such identification, I
23 heard of no complaint neither from the military adminis-
24 tration organization part nor from the native inhabitants
25 about my division.

1 "Having been appointed the Chief of the Staff
2 of the 14th Area Army, I left Medan for the Philippine
3 Islands on October 12, 1944.

4 "35. I arrived at Port McKinley in the suburbs
5 of Manila City as the Chief of the Staff of the 14th
6 Area Army on the night of October 20, 1944.

7 "As regards the general condition of the
8 Philippine Islands at that time, the U.S. Army landed
9 at Leyte Island on October 18, before General YAMASHITA,
10 who had arrived there only early in October, became well
11 acquainted with the state of the islands. The 16th
12 Division defending the island seemed to have been routed
13 at a stroke, and reported nothing about the situation;
14 and the whole Philippine Islands, especially Luzon
15 Island, with hardly any fortifications, were plunged
16 into a chaos. The alleged atrocities during my time in
17 the Philippine Islands occurred in the chaotic war situ-
18 ation.

19 "General YAMASHITA's duty was to take charge of
20 the defence of the Philippine Islands in accordance with
21 the command of Field Marshal TERAUCHI, the Commander in
22 Chief of the Southern General Army; for that purpose,
23 expecting the U. S. Army possibly to invade the Southern
24 Philippines, to make preparations for decisive battles,
25 for the present, with the naval and air forces; and, in

1 Luzon Island, with the military forces; and to cooperate
2 with the air and naval forces in the Philippine Islands
3 in carrying out operations. Field Marshal TERAUCHI was
4 then at Manila and later removed to Saigon, on November
5 17, 1944.

6 "The above duty of General YAMASHITA was
7 suddenly altered. It was due to the order from the
8 Southern General Army Headquarters given about October 12
9 or 13 which said, 'The 14th Area Army shall destroy the
10 enemy invading Leyte Island with the maximum strength
11 of the Army forces, in cooperation with the naval and
12 air forces.' Up to that time, the operation plan was
13 that, in case the United States Army should invade the
14 Southern Philippines, only the 35th Army stationed in
15 its vicinity would participate in the decisive battles
16 to be fought by the naval and air forces. Therefore,
17 as nothing had been prepared for transporting the army
18 forces from Luzon Island, we hastily set to arrangements
19 of ships, escort by the air and naval forces, picking
20 out the necessary force from the garrison in Luzon
21 Island and provisions of munitions and food, in order
22 to observe the above command. Nevertheless, after the
23 air and naval forces were frustrated in the decisive
24 battles about October 24 or 25, the command of the air
25 and sea of the Southern Philippines fell to the enemy's

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1 hands. As a result, though more than 50,000 men in
2 all were sent about seven times up to early in December,
3 most of their ships were sunk except the transport ships
4 of the 1st Division. Thus, early in December, General
5 YAMASHITA could only acknowledge the fact that, for
6 all his best efforts in the extremely difficult con-
7 ditions, he had completely failed in the decisive battle
8 in Leyte.

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1 "As for the Luzon campaign, alterations were
2 also made as to General YAMASHITA's duty. The Leyte
3 operations, having called for forces from Luzon, emptied
4 Luzon Island of its defence and completely spoiled the
5 defence plan. Reinforcements of three divisions were
6 sent from Japan, but one-half or one-third of their
7 force was lost, being torpedoed or air raided by the
8 U. S. forces and barely the remnants arrived at Northern
9 Luzon. In addition, they had no maneuvering power owing
10 to their loss of automobiles, horses, etc. Such being
11 the case, the Commander-in-Chief of the Southern General
12 Army ordered General YAMASHITA to evade decisive battles
13 and to assume the defensive persistently.

14 "Thereupon, General YAMASHITA decided on the
15 policy of evading decisive battles with the predominant
16 U.S. forces in the plain, to restrict the enemy to Luzon
17 as long as possible, taking advantage of mountainous
18 regions and to delay the enemy's attack against Japan
19 proper. For that purpose, the General took the following
20 steps:

21 "A. To establish three main positions in the
22 mountainous region east of Manila, in the mountains west
23 of Clark Field and in the mountainous region in the
24 vicinity of Baguio and Paletepas;

25 "B. As to Manila City, to disable the harbour

1 facilities and, besides, to carry maximum munitions
2 out of the city and then open the city and set it out-
3 side the battlefield;

4 "C. To defend against the landing U. S. Army,
5 disposing a unit in the vicinity of Apari at the
6 northern end of Luzon Island;

7 "D. To detach one unit to the Batangas Penin-
8 sula to delay the U. S. Army's rush toward the Manila
9 district.

10 "It was just after the U. S. force landed at
11 San Jose in Mindoro Island on December 15 that this
12 plan was shown.

13 "The U. S. 6th Army under the command of
14 General Kruger finally landed at the Bay of Lingayen on
15 January 9, 1945, followed by the 8th Army under the
16 command of General Eichelberger which landed on the
17 southwestern part of Luzon Island. At that time, the
18 Japanese Army had not yet completed their disposition.
19 I could not but admire the U. S. Army, the enemy as
20 they were, for their operations, since they landed on
21 Leyte, in contrast with our expectation. Their coopera-
22 tion between the air, naval and army forces was com-
23 plete. Their army force, once they landed on Luzon,
24 displayed really a great power of maneuver and fire.
25 The Japanese forces found their command system

1 instantly destroyed and, at last, were made to fight
2 independently, taking up their individual positions.
3 I learned after the war ended that the Japanese Army
4 in every district fought well to the last in spite of
5 their inferior equipment, especially, of shortage of
6 provisions. But General YAMASHITA was defeated after
7 all.

8 "36. The communication functions of the
9 Japanese Army in the Philippine campaign was extremely
10 poor. The Supreme Commander in the Southern Philippines
11 was Lieutenant General SUZUKI, Sosaku, the Commander
12 of the 35th Army, who, after the U. S. Army landed on
13 Leyte, removed his headquarters from Cebu to Ormoc.
14 From then on, communications with the Lieutenant General
15 became of the worst. After the U. S. forces occupied
16 Ormoc early in December, communication was interrupted,
17 except occasional short despatches via the 100th Divi-
18 sion at Davao, Mindanao Island.

19 "The traffic between YAMASHITA's headquarters
20 at Baguio and YOKOYAMA's headquarters east of Manila
21 was suspended (about January 13) after the U. S. Army
22 landing at Lingayen on January 9 intercepted the Baguio-
23 Manila Road.
24

25 "Wireless was barely available until about
May or June, though no telegram other than really

1 important ones for operations was despatched, owing to
2 the shortage of vacuum tubes and storage batteries.

3 "As for the communication between YAMASHITA's
4 headquarters and the headquarters at the west of Clark
5 Field, wireless as well as land traffic was interrupted,
6 since the U. S. Army charged into Clark Field about the
7 middle of January. As a result, our knowledge of the
8 state of that district became utterly uncertain. A
9 telephone line was installed to connect our forces in
10 the vicinity of the Bay of Lingayen, though it was in
11 a condition of being more broken than available, by
12 aerial and land bombardment. With the forces in the
13 vicinity of Paletepas, communication was made by wire-
14 less, which was also inadequate due to breakdown of
15 instruments.

16 "Such frequent breakdown of instruments as
17 given above was due to the facts that, firstly, the
18 communication equipment of our army was originally
19 inferior to that of the U. S. Army beyond comparison,
20 and that, secondly, many of these instruments had been
21 soaked in the sea, and were constantly broken. In
22 addition, most persistent bombarding by the U. S. forces
23 destroyed our instruments one after another. In such
24 circumstances the commanding organizations of General
25 YAMASHITA had been destroyed.

1 "37. General YAMASHITA never ordered Manila
2 City to be defended to the last. As his Chief of Staff,
3 I was well acquainted with the General's intention.
4 I was always with him, except the time when I went out
5 to observe the front. Even if any order was given,
6 during my absence, I did not fail to see it later. I
7 can, therefore, tell for certain that such an order was
8 in no case given. On the contrary, I once studied
9 earnestly, by order of General YAMASHITA, how to make
10 Manila City open. Having realized, however, that the
11 matter was beyond the scope of the General's authority
12 and could not be put in practice, he was at last
13 resolved to place Manila City outside the battlefield.

14 "It was largely owing to the following
15 circumstances that, in spite of the above, the hostili-
16 ties and accidents of violence to the citizens broke
17 out practically within the city of Manila. On January 3,
18 1945, General YAMASHITA ordered Lieutenant General
19 YOKOYAMA, the Commander of the 8th Division, to take
20 command of the forces in the vicinity of Manila and, in
21 order to command the operations in the district of the
22 Bay of Lingayen, removed to Baguio. Then, on January 5,
23 the Supreme Commander of the naval forces removed to
24 Baguio, after investing Lieutenant General YOKOYAMA
25 with the commanding power over the naval forces in the

1 vicinity of Manila concerning their land fighting alone.
2 After that, about February 10, General YAMASHITA, informed
3 of hostilities being continued within the city, urged
4 Lieutenant General YOKOYAMA immediately to withdraw
5 these forces into the mountains east of Manila. However,
6 Rear Admiral IWABUCHI, the Supreme Commander of the
7 forces in the city of Manila, did not observe this,
8 for reasons which I do not know. And they were annihi-
9 lated at last. I learned from the investigation made
10 after the war came to an end that, when the U. S. forces
11 had invaded Manila City about February 4 or 5, approxi-
12 mately 1,800 men of the army force had remained there
13 under the command of Rear Admiral IWABUCHI and the naval
14 force had amounted to some 20,000 strong.

15 "38. There were many guerrilla forces in the
16 Philippine Islands. After the termination of war, it
17 was made public that the number of formal guerrilla
18 reported to the Philippine Government was some 500,000.
19 It is, however, unknown how many guerrilla besides the
20 above either temporarily or continuously cooperated
21 with them. They were so many that every native inhab-
22 itant seemed to be a guerrilla after the U. S. Army's
23 landing. General YAMASHITA, about November 1944, ordered
24 his men to attack armed guerrillas in view of increased
25 guerrilla activity. Nevertheless, he by no means

1 ordered any member of guerrilla or any collaborator to
2 be sentenced to death without a trial. We, the staff,
3 including General YAMASHITA, were utterly ignorant at
4 that time of the news that, about February or March of
5 1945, some inhabitants were murdered (in Batangas
6 district). General YAMASHITA received no report on it.
7 Neither did General YAMASHITA receive any report about
8 the atrocities alleged to have been committed in other
9 parts of the Philippine Islands. A sole case was that,
10 early in April, 1945, Tokyo ordered us to investigate
11 into the actual state of affairs of violence against
12 some Spanish club which took place in February in the
13 city of Manila. General YAMASHITA ordered Lieutenant
14 General YOKOYAMA to investigate into it, which was not
15 successful, owing to the total destruction of the
16 Japanese forces in Manila City already toward the end
17 of February.

1 "39. The war prisoners and internees in the
2 Philippine Islands were under the control of General
3 YAMASHITA when I arrived at my post there (October 20,
4 1944). Practically speaking, however, the Chief of
5 the War Prisoners' Camp at Manila City was dealing
6 with them under the command of the Assistant Commis-
7 sary General. No significant alteration was made,
8 even after I arrived at my post, on the regulations
9 about the treatment of war prisoners.

10 "The ration of food, after being inquired
11 into by the Chief of the Paymaster's Department, the
12 Assistant Commissary General, etc., was decided to
13 be varied according to the food condition in general,
14 similar to that for the Japanese troops. The ration
15 was successively decreased in Luzon. I have now no
16 exact recollection of its details, but in fact the
17 ration of rice was reduced from 400 to 300 grams toward
18 the middle of November.

19 "The reason was that the Philippine Islands,
20 though originally an agricultural country, had been
21 importing rice from French Indo-China and Siam even
22 in ordinary times, and that, although the foodstuffs
23 for the Japanese Army were entirely transported from
24 French Indo-China and Siam too, the importation became
25 difficult since the U. S. submarines suspended the

1 traffic on the China Sea. Fortunately 10,000 tons of
2 rice came early in November, one-third of which was,
3 however, decided to be put to immediate use for the
4 Leyte operations. Towards early December, the reserved
5 rice in the Supply Depot was released. The arrivals
6 after December were only 1,800 tons.

7 "To cope with such food condition, we set
8 to purchasing rice in the Central Philippines in
9 cooperation with the Philippine Government. One of the
10 reasons that General YAMASHITA disposed our main force
11 to Northern Luzon was that the Kagayan Valley had
12 overproduced rice. However, only a part of this plan
13 was put into practice, when the U. S. Army landed on
14 the Philippines. In consequence, we could not use the
15 rice accumulated with such effort.

16 "40. The procedure of transporting war
17 prisoners to Japan was to begin with the receipt of
18 order by the Commander, the controller of war prisoners,
19 from the War Minister to the effect that such and such
20 number of war prisoners should be sent to such and
21 such place. The ships to transport them should be
22 appointed by the Chief of the General Staff and be
23 notified to the Shipping Commander. Then the Commander
24 should make preparations for transportation of war
25 prisoners and make them take the appointed ships. They

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20 number of war prisoners should be sent to such and
21 such place. The ships to transport them should be
22 appointed by the Chief of the General Staff and be
23 notified to the Shipping Commander. Then the Commander
24 should make preparations for transportation of war
25 prisoners and make them take the appointed ships. They

1 were out of the control of the Commander after they
2 were made to go on board the ships in this way. I
3 was informed for the first time of the fact that the
4 Oryoku Maru transported them in December 1944, when
5 she was air-raided and took refuge in Orongapo about
6 December 15. Let me explain why, until then, I, as
7 the Chief of Staff, did not know about it. The said
8 order for transporting the war prisoners had been
9 issued prior to my arrival, and I heard that they were
10 made to gather at Manila from the camps including that
11 of Cabanatuan and the preparations were made. As the
12 ships were appointed about December 12 or 13, the
13 Assistant Commissary General and the Chief of the War
14 Prisoners' Camp let them take ships in accordance
15 with the order already received. So that it did not
16 come to my knowledge. On being informed of the Oryoku
17 Maru's accident, General YAMASHITA ordered the Chief
18 of the War Prisoners' Camp to rescue them as promptly
19 as possible. I, on my part also, cooperated with the
20 Chief of the War Prisoners' Camp, by order of General
21 YAMASHITA, as to the arrangements for cars and trains,
22 the transportation of food, etc. As at that time the
23 U. S. Army landed on Midoro Island near Manila, the
24 General was very busy. But he did his best in spite
25 of that.

1 "41. In laying the plan for Luzon opera-
2 tions, consideration was given to the question of how
3 to deal with war prisoners. As a result, General
4 YAMASHITA decided on liberating the war prisoners
5 and internees with a list of them through the state
6 representing the rights and interests (of Japan) in
7 case the U. S. Army should land on Luzon Island, and
8 reported to the Commander in Chief of the Southern
9 General Army to that effect. On the other hand, the
10 Commander in Chief of the Southern General Army gave
11 an advice to him that it was too early yet to do so.
12 However, the regulation previously instructed by the
13 Commander said, 'War prisoners may be released in
14 case the war situation should really necessitate it.'
15 It was, however, considered to be practically impos-
16 sible to remove war prisoners and internees into the
17 heart of mountains in the then circumstances in Luzon.
18 Therefore, General YAMASHITA, judging the circumstances
19 to be really unavoidable, decided to put it into
20 practice and, about the middle of December, ordered the
21 Chief of the War Prisoners' Camp to that effect. Then
22 the chief immediately gathered the internees of the
23 Baguio and Port McKinley Camps, and made preparations
24 for releasing them, accumulating food reserve for a
25 month.

1 "It was for the first time that I learned,
2 after the war was over, that the Chief of the War
3 Prisoners' Camp, having been mistaken that the above-
4 mentioned state representing the rights and interest
5 meant the state which represents U. S. A., namely,
6 Switzerland, whose agency was absent at that time
7 from Manila, had dealt with the matter not through
8 the medium of the representing state but that, as to
9 other matters, he had taken such necessary steps as
10 were possible for releasing them without causing
11 hostilities."

12 ACTING PRESIDENT: We will take a recess for
13 fifteen minutes.

14 (Whereupon, at 1445, a recess was
15 taken until 1500, after which the proceed-
16 ings were resumed as follows:)
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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

ACTING PRESIDENT: Mr. Cole.

MR. COLE: I continue with paragraph 42:

"42. We desired, for the sake of obtaining information of the enemy, to take war prisoners during hostilities. In the defensive fighting, however, it was too difficult to take war prisoners at all. Only one case was the capture of a flight officer in August, 1944, but General YAMASHITA, learning that the officer's attitude was so admirable, ordered him to be sent back to the front of the U. S. Army. Later, Major General Guill, the Commander of the U. S. 32nd Division, informed us of his safe return.

"43. In accordance with the Imperial Headquarter's command, I surrendered myself, together with General YAMASHITA, on September 3, 1945.

"General YAMASHITA at no time released command of the Army on account of illness or any other reason. Neither was he ever absent, during the Philippine operations, from duty on an official trip to Japan or the Southern General Army Headquarters. I was always with the General and heard any report with him, to save time. I was fully

1 acquainted with General YAMASHITA's intentions. He
2 never issued orders against international laws nor
3 orders against humanity. He also never permitted
4 nor connived at the misconduct of his subordinates
5 when he knew of them. Under these difficult con-
6 ditions, General YAMASHITA took all possible pre-
7 cautions to prevent atrocities.

8 "44. I attended as a witness the trial of
9 General YAMASHITA. As for myself, I was often
10 examined as a war criminal suspect. Towards the
11 end of March, 1946, however, I learned from Captain
12 Carter, the Chief of the camp, that I was 'clear'
13 of the crime. I was told to the same effect by a
14 certain lieutenant, a member of the War Crimes
15 Investigation Committee."

16 May it please the Tribunal, I have a few
17 additional questions I would like to ask on direct,
18 growing out of the cross-examination of Mr. YAMAMOTO
19 this morning.

20 ACTING PRESIDENT: Proceed.

21 MR. COLE: May the witness be shown exhibit
22 No. 3445.

23 (Whereupon, a document was handed
24 to the witness.)

25 BY MR. COLE (Continued):

1 Q General MUTO, are you familiar with that
document, exhibit 3445?

2 A Yes, I do remember it. I have seen it
3 before.

4 Q I'll ask whether you made out that docu-
5 ment yourself.

6 A It is not the document that I drew up my-
7 self.

8 Q Please state to the Tribunal from whom you
9 received this document and, if you know, who did
10 make it out.

11 A This document was drawn up by the General
12 Staff Office and sent to the Military Affairs Sec-
13 tion of the Military Affairs Bureau from whom I
14 received it.

15 Q And, did you in turn send it to Mr.
16 YAMAMOTO in the Foreign Office?

17 A Yes, that is so.

18 Q Was any explanation given to you as to the
19 reasons behind that document, the reasons for draft-
20 ing it?

21 MR. LOPEZ: Objection as calling for a
22 conclusion of the witness.

23 ACTING PRESIDENT: Objection overruled.

24 A This document was based on the decisions
25

1 reached at the Imperial Conference of November 5,
2 1941, at which time the so-called "A" plan and "B"
3 plan were decided upon. This document was based
4 on this conference and had in view, following the
5 conclusion of Japanese-American negotiations, it
6 was still necessary to go into detailed discussions,
7 and with that in mind, this was drawn up by the
8 General Staff office.

9 THE MONITOR: Delete, "based on the con-
10 ference," and substitute the words, "based on this
11 decision."

12 Q The language used in that document was
13 characterized this morning as being extremely
14 strong. State, if you know, the reasons for the
15 use of that strong language.

16 A At that time, the General Staff Office was
17 opposed to the drafting -- opposed to the adoption
18 of the "A" or "B" plan. Especially, they were very
19 strongly opposed to the "B" plan, but with regard
20 to the adoption of the "B" plan -- the drafting of
21 the "B" plan, I had expressed my views to the chief
22 of the General Staff. I had succeeded in having him
23 agree to the views entertained by Foreign Minister
24 TOGO. In view of this fact, the General Staff were
25 not only opposed to the "A" and "B" plans itself but

1 were also strongly opposed to MUTO himself. A very
2 strong argument was in process at that time between
3 the General Staff Office and myself. In view of
4 such an atmosphere, the General Staff agreed to the
5 "A" and "B" plan but furthermore submitted or pre-
6 sented an additional plan, saying that this plan
7 also should be carried out -- that this plan should
8 be carried out. That is this document in question.
9 Accordingly, the contents of this plan used
10 unusually strong language.
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1 Q You have already stated that you forwarded
2 the plan to Mr. YAMAMOTO. Please state if you
3 recall any conversation that you had with Mr.
4 YAMAMOTO at that time concerning the document.

5 A After sending this document to Mr. YAMAMOTO,
6 I believe it was a bit later as I recall it during
7 the telephone conversation, YAMAMOTO said -- asked
8 me what was the sense of this document, that it was
9 very insensible and he asked me why -- the reason for
10 it.

11 THE MONITOR: "He put this question to me in
12 an admonishing manner."

13 A (Continuing) I remember telling him that
14 as long as it was the General Staff plan I wanted
15 to show it to him, but that I would do everything in
16 my power to have it revised and that therefore he
17 should not place too much importance in it.

18 Q State, if you know, what happened to that
19 plan as set forth in this document.

20 A This document was left as it was. It was
21 abandoned and separately the officers in charge,
22 representing the Army, the Foreign Office, the Navy
23 and the Planning Board, made a study of the question.
24 The result of this new study was submitted to the
25 Liaison Conference. Accordingly, this document in

1 question was not seen by the War Minister at that
2 time.

3 Q Was the original plan which you received
4 from the Imperial General Headquarters used or dis-
5 carded?

6 A It was disregarded, abandoned.

7 MR. COLE: May it please the Tribunal, this
8 completes our direct examination, but there are a
9 few American counsel who wish to continue.

10 Mr. Brannon will follow me.

11 ACTING PRESIDENT: Mr. Brannon.

12 MR. BRANNON: On behalf of the accused Admiral
13 SHIMADA.

14 DIRECT EXAMINATION (Continued)

15 BY MR. BRANNON:

16 Q General, do I understand correctly that you
17 attended the Liaison Conferences held in the latter
18 portion of 1941?

19 A Yes, that is correct.

20 Q And did you listen carefully to everything
21 that was said during those meetings?

22 A Yes, I did listen to the matters very
23 attentively, but I have forgotten many things of course.

24 Q Well, what you would consider as important
25 matters would not be forgotten so easily; would they

1 General?

2 Did you at any time at any of the liaison
3 conferences ever hear any member of the Navy advocate
4 an attack upon the United States without notice
5 beforehand?

6 A I do not remember that at all.

7 Q Well, do you consider that an important
8 matter, General?

9 A Yes, it is important.

10 Q Then, if it occurred, do you not think that
11 you would remember it?

12 A Yes, I do.

13 Q Did you attend the Liaison Conference held
14 on December 2nd, 1941?

15 A I don't believe there was a meeting on the
16 2nd.

17 Q Well, if testimony was given before this
18 Tribunal that Vice-Admiral ITO, then Chief of the
19 Naval General Staff, at a liaison conference advocated
20 an attack upon the United States without notice and
21 that he did so on December 2nd, 1941, would he be at
22 error on both points?

23 A I do not recall. According to my memory, no
24 meeting was held on the 2nd of December, 1941, and I
25 do not remember having heard Admiral ITO advocating an

1 attack against the United States without warning.

2 Q Well, I would like to get a direct answer,
3 if I may, as to whether or not, in your opinion and
4 based upon your best recollection, that such a witness
5 saying such a thing would not be at error on both
6 points.

7 MR. LOPEZ: Objection as calling for an
8 opinion.

9 ACTING PRESIDENT: Objection sustained.

10 MR. BRANNON: That is all, Mr. President.

11 MR. FUJII: I am FUJII, counsel for the
12 accused HOSHINO.

13 ACTING PRESIDENT: Mr. FUJII.

14 DIRECT EXAMINATION (Continued)

15 BY MR. FUJII:

16 Q During the TOJO Cabinet, did Chief Secretary
17 HOSHINO attend all liaison conferences which you
18 have attended?

19 A Yes, he did.

20 Q Did he attend these conferences in his
21 capacity as a government official?

22 THE INTERPRETER: Correction: "...as one of
23 the secretaries."
24

25 The witness replied "Yes."

Q As one of the secretaries? Did he attend

1 attack against the United States without warning.

2 Q Well, I would like to get a direct answer,
3 if I may, as to whether or not, in your opinion and
4 based upon your best recollection, that such a witness
5 saying such a thing would not be at error on both
6 points.

7 MR. LOPEZ: Objection as calling for an
8 opinion.

9 ACTING PRESIDENT: Objection sustained.

10 MR. BRANNON: That is all, Mr. President.

11 MR. FUJII: I am FUJII, counsel for the
12 accused HOSHINO.

13 ACTING PRESIDENT: Mr. FUJII.

14 DIRECT EXAMINATION (Continued)

15 BY MR. FUJII:

16 Q During the TOJO Cabinet, did Chief Secretary
17 HOSHINO attend all liaison conferences which you
18 have attended?

19 A Yes, he did.

20 Q Did he attend these conferences in his
21 capacity as a government official?

22 THE INTERPRETER: Correction: "...as one of
23 the secretaries."
24

25 The witness replied "Yes."

Q As one of the secretaries? Did he attend

as one of the secretaries?

A Yes, he did.

Q Furthermore, while you were negotiating with the Foreign Office representative YAMAMOTO, Kumaichi at these liaison conferences on the question of the Japanese-American negotiations, did HOSHINO join in these discussions?

A No, he did not.

Q Then, did HOSHINO not have the power of participating in the drafting and approval of proposals and of affixing his signature to such documents?

A He did not have the authority to either participate in the discussions or to sign any documents.

Q That means that as a secretary -- as one of the secretaries of the conference he had no such powers; is that so?

A Yes, that is so.

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ACTING PRESIDENT: Mr. Freeman.

DIRECT EXAMINATION (Continued)

BY MR. FREEMAN:

Q General MUTO, you were director of the Military Affairs Bureau at the time General TOJO became prime minister, were you not?

A Yes.

Q General TANAKA has testified that certain members of your staff were active on behalf of General TOJO becoming prime minister. Did anyone within the Military Affairs Bureau ever discuss with you the possibility of TOJO becoming prime minister?

A Absolutely not.

Q Was it ever suggested to you by anyone in the War Ministry that TOJO should be made prime minister?

A No, there was no such occasion.

Q Did his becoming prime minister come as a complete surprise to you and those around you?

A It was a complete surprise to us. At first, when we received such news from the newspapers, we did not believe it.

MR. FREEMAN: If the Tribunal please, in this connection I would like to call the Tribunal's attention to record page 15,872.

Q You were director of the Military Affairs

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ACTING PRESIDENT: Mr. Freeman.

DIRECT EXAMINATION (Continued)

BY MR. FREEMAN:

Q General MUTO, you were director of the Military Affairs Bureau at the time General TOJO became prime minister, were you not?

A Yes.

Q General TANAKA has testified that certain members of your staff were active on behalf of General TOJO becoming prime minister. Did anyone within the Military Affairs Bureau ever discuss with you the possibility of TOJO becoming prime minister?

A Absolutely not.

Q Was it ever suggested to you by anyone in the War Ministry that TOJO should be made prime minister?

A No, there was no such occasion.

Q Did his becoming prime minister come as a complete surprise to you and those around you?

A It was a complete surprise to us. At first, when we received such news from the newspapers, we did not believe it.

MR. FREEMAN: If the Tribunal please, in this connection I would like to call the Tribunal's attention to record page 15,872.

Q You were director of the Military Affairs

1 Bureau at the time the Prisoner of War Information
2 Bureau was set up, were you not?

3 A Yes.

4 Q Do you recall the approximate date this
5 Bureau was set up?

6 A It was at the end of December, 1941.

7 Q Can you briefly give the purpose for which
8 the Prisoner of War Information Bureau was established?

9 A There is a provision that immediately follow-
10 ing the outbreak of hostilities, according to inter-
11 national treaties, that an organ such as the Prisoner
12 of War Information Bureau should be set up. The
13 duties of such a Bureau are clearly stipulated in the
14 text of treaties.

15 Q Do you recall those duties?

16 ACTING PRESIDENT: Is there any necessity
17 for going any further in this line of questioning?

18 MR. FREEMAN: Yes, I think there is.

19 THE PRESIDENT: We have had plenty of evidence
20 on it.

21 MR. FREEMAN: If the Tribunal is satisfied,
22 I am.

23 ACTING PRESIDENT: You have your treaties and
24 your regulations, setting forth the duties.
25

MR. FREEMAN: I will go to another question,

1 then.

2 Q General MUTO, exhibits 1467 through 1473,
3 and numbers 1490 through 1496 are copies of commun-
4 ications passing between the Japanese Foreign Office
5 and the Allied Powers, particularly United States and
6 Britain, relative to the treatment of prisoners of war
7 from December 1941 through March 1942. Do you recall
8 the Military Affairs Bureau having received any of
9 these communications direct from the Foreign Office?

10 A I don't remember just now.

11 MR. FREEMAN: May the witness be shown the
12 Japanese of exhibit 1175?

13 (Whereupon, a document was handed
14 to the witness.)

15 Q If you will note, General MUTO, the title of
16 this exhibit is "Principal Reasons Alleged For The
17 Commencement of Hostilities Against U.S.A. and Britain."
18 The affidavit, if you will notice, accompanying this
19 exhibit, is made by General TANAKA. In the first
20 paragraph of the affidavit he says that you read
21 this document at a Liaison Conference of the Bureau
22 Heads of the War Ministry. Is that true?

23 A Yes, that is true. May I ask again: Did you
24 say that I was reported to have read it?

25 Q In his affidavit he states that you did read

1 it and I asked the question: "Did you read it?"

2 A No, I did not read it.

3 Q In the second paragraph of that affidavit he
4 says that to the best of his knowledge and belief
5 that SATO, Kenryo prepared this document, or it was
6 prepared under his direction. Did General SATO ever
7 discuss such a matter with you -- this document or
8 any matter relating to drawing up such a document?

9 A No, there is no such occasion.

10 MR. FREEMAN: That is all the questions I have
11 to ask.

12 Dr. HOZUMI.

13 MR. HOZUMI: I am HOZUMI, for the accused KIDO.

14 ACTING PRESIDENT: Mr. HOZUMI.

15 DIRECT EXAMINATION (Continued)

16 BY MR. HOZUMI:

17 Q In paragraph 15 of your affidavit you state
18 that you called on Chief Cabinet Secretary TOMITA
19 on the afternoon of the 14th of October 1941 and
20 told him your views for half an hour in regard to
21 the Navy's attitude toward the waging of war. Please
22 tell us in detail the contents of your conversation
23 that afternoon.

24 A I cannot tell you exactly word for word what
25 I said that afternoon but the general purport was as

1 follows: Although the Navy agreed to the decisions
2 reached at the Imperial Conference on the 6th of
3 September, at the present time it seemed that although
4 the Navy's attitude on the surface is not necessarily
5 opposed to this decision of September 6th, was not
6 opposed to carrying out the decisions of September 6th,
7 but apparently they were not in agreement to it
8 internally. Therefore, if the Navy did not want a
9 war, then the Army would have to change its attitude
10 also. But the Navy takes the view that without
11 making clear, definite, their attitude was they
12 would leave the matters in the hands of the Premier.
13 In such a case it would be impossible for the War
14 Minister to hold back, to suppress, those who advocate
15 a strong policy within the War Ministry. And so I
16 asked the Chief Secretary of the Cabinet to use his
17 good offices, or do what he could to get the Navy to
18 clarify its attitude, for then the War Minister would
19 be able to restrain the extremist elements, those who
20 advocated a strong policy, not only in the War Ministry
21 but also in the General Staff Office. That was the
22 purport of my talk with TOMITA.
23
24
25

1 Q Did you make this proposal to Chief Secretary
2 TOMITA, fully confident that if the navy would make
3 clear -- would take a definite attitude against the
4 war, you would be able to restrain the army?

5 A Yes, that is as you say, because the reason is
6 that in a war in the Pacific the navy would have to
7 take the leading role -- play the dominant role. There-
8 fore, no matter how strongly those within the army who
9 took a strong attitude, no matter how strongly they
10 expressed their views -- advocated such views, they
11 would not be able to go ahead -- the army would be
12 powerless unless the navy agreed.

13 Q In paragraph 15 of your affidavit you state
14 that on the 14th of October 1941, at a Cabinet meeting,
15 War Minister TOJO strongly advocated that the Imperial
16 Conference decision of 6 September must be carried out.
17 Do you know anything about the reasons for General
18 TOJO's making such an assertion?

19 A Yes, I do.

20 Q Please tell us of them.

21 A Until the decision reached at the Imperial
22 Conference held on September 6, General TOJO had
23 exerted considerable efforts to restrain the General
24 Staff in order to arrive at this decision.

25 THE MONITOR: General TOJO made strenuous

1 efforts to restrain the strong policy advocated by the
2 General Staff Office before he was able to succeed in
3 getting the decision of September 6.

4 A (Continuing) Therefore, General TOJO's character
5 did not permit any alteration in the decisions reached
6 on September 6 in the presence of the Emperor without
7 any other good reason.

8 ACTING PRESIDENT: What has this got to do with
9 the accused SATO? Oh, KIDO; I misunderstood.

10 All right, go ahead.

11 THE WITNESS: Shall I reply?

12 ACTING PRESIDENT: I said you could go ahead.

13 THE WITNESS: May I be permitted to add a few
14 words?
15

16 A (Continuing) General TOJO's character is such
17 that not only decisions reached -- he wished faithfully
18 to carry out the decisions reached not only at Imperial
19 Conferences but even decisions which were reached at a
20 Cabinet meeting. It was his nature that he would do
21 his best to carry out all such decisions faithfully.
22 Furthermore, with his characteristic, he absolutely
23 could not try to enforce or carry out the decisions of
24 the Imperial Conference in a nether form.

25 THE MONITOR: He could not carry out the de-
cisions of the Imperial Conference by trying to fool the

1 public, that is, pulling the wool over their eyes and
2 carrying it out in an ambiguous manner.

3 ACTING PRESIDENT: I ask you this time, what
4 has that got to do with the accused KIDO?

5 MR. HOZUMI: When the TOJO Cabinet was about to
6 be formed, Marquis KIDO advised the Emperor that the
7 Emperor should order TOJO to nullify the Imperial Con-
8 ference decision of September 6 and to start out com-
9 pletely afresh, to wipe the slate clean. I wish to
10 prove that this advice given by KIDO was appropriate --
11 was an appropriate effort in trying to avert war.

12 ACTING PRESIDENT: I do not see how you are go-
13 ing to prove it by this witness.

14 MR. HOZUMI: This witness knows General TOJO's
15 reasons for advocating war -- why General TOJO wished to
16 have a decision for war, and therefore through this wit-
17 ness I want to prove that KIDO's judgment was correct.

18 However, this will end my questions. I have no
19 further questions on this point.

20 Q On the 17th of October 1941, when TOJO received
21 a telephone message to come to the Palace, were you
22 with TOJO?
23

24 A No, I was at the War Ministry. I believe the
25 War Minister was at his official residence.

Q Did War Minister TOJO seem to know beforehand

1 that he was being called to the Palace in order to form
2 a new cabinet?

3 MR. LOPEZ: If the Tribunal please, we have
4 been listening with great diligence here in order to
5 accord the accused KIDO all the rights in this court-
6 room, but it seems that he is going out of bounds.

7 ACTING PRESIDENT: If that is supposed to be an
8 objection, the objection is upheld.

9 MR. HOZUMI: My purpose in having asked this
10 question was my desire to make clear the fact that
11 there was no conspiracy between the defendant KIDO and
12 the defendant TOJO.

13 ACTING PRESIDENT: Has there been any such
14 charge of conspiracy?

15 MR. HOZUMI: The Indictment specifies that all
16 the defendants are guilty of having conspired with each
17 other.

18 ACTING PRESIDENT: All right, let him answer.

19 A He did not even dream that he would receive an
20 order to form a cabinet. He left for the Palace feeling
21 that because of the resignation en bloc of the Third
22 KONOYE Cabinet, he was to be berated by the Emperor,
23 that he would be asked various questions from the
24 Emperor, and he went prepared for this.

25 ACTING PRESIDENT: We will adjourn until

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tomorrow morning at 9:30..

(Whereupon, at 1600, an adjournment was
taken until Friday, 14 November 1947, at 0930.)

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